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ILLINOIS REGISTER

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GEORGE H. RYAN
Secretary of State

VOLUME 15
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MARCH 1
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Secretary of State
Administrative Code Div.
288 Centennial Bldg.
Springfield, IL 62756

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INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, pars. 1001 et seq., as amended).

REGISTER PUBLICATION SCHEDULE 1991

Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:
Dec. 18, 1990	Dec. 24, 1990	1	Jan. 4, 1991	June 25, 1991	July 2, 1991	28	July 12, 1991
Dec. 24, 1990	Dec. 31, 1990	2	Jan. 11, 1991	July 2, 1991	July 9, 1991	29	July 19, 1991
Dec. 31, 1990	Jan. 8, 1991	3	Jan. 18, 1991	July 9, 1991	July 16, 1991	30	July 26, 1991
Jan. 8, 1991	Jan. 15, 1991	4	Jan. 25, 1991	July 16, 1991	July 23, 1991	31	Aug. 2, 1991
Jan. 15, 1991	Jan. 22, 1991	5	Feb. 1, 1991	July 23, 1991	July 30, 1991	32	Aug. 9, 1991
Jan. 22, 1991	Jan. 29, 1991	6	Feb. 8, 1991	July 30, 1991	Aug. 6, 1991	33	Aug. 16, 1991
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Feb. 11, 1991	Feb. 19, 1991	9	Mar. 1, 1991	Aug. 20, 1991	Aug. 27, 1991	36	Sept. 6, 1991
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Feb. 26, 1991	Mar. 5, 1991	11	Mar. 15, 1991	Sept. 3, 1991	Sept. 10, 1991	38	Sept. 20, 1991
Mar. 5, 1991	Mar. 12, 1991	12	Mar. 22, 1991	Sept. 10, 1991	Sept. 17, 1991	39	Sept. 27, 1991
Mar. 12, 1991	Mar. 19, 1991	13	Mar. 29, 1991	Sept. 17, 1991	Sept. 24, 1991	40	Oct. 4, 1991
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Apr. 30, 1991	May 7, 1991	20	May 17, 1991	Nov. 5, 1991	Nov. 12, 1991	47	Nov. 22, 1991
May 7, 1991	May 14, 1991	21	May 24, 1991	Nov. 12, 1991	Nov. 19, 1991	48	Dec. 2, 1991 (Mon.)
May 14, 1991	May 21, 1991	22	May 31, 1991	Nov. 19, 1991	Nov. 26, 1991	49	Dec. 6, 1991
May 21, 1991	May 28, 1991	23	June 7, 1991	Nov. 26, 1991	Dec. 3, 1991	50	Dec. 13, 1991
May 28, 1991	June 4, 1991	24	June 14, 1991	Dec. 3, 1991	Dec. 10, 1991	51	Dec. 20, 1991
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June 11, 1991	June 18, 1991	26	June 28, 1991	Dec. 17, 1991	Dec. 24, 1991	1	Jan. 3, 1992
June 18, 1991	June 25, 1991	27	July 5, 1991	Dec. 24, 1991	Dec. 31, 1991	2	Jan. 10, 1992

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday *(the day before)*.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: General Provisions

2) Code Citation: 35 Ill. Adm. Code 501

3)

Section Numbers:	Proposed Action:
501.102	Amendment
501.200	New Section
501.246	New Section
501.248	New Section
501.274	New Section
501.317	New Section
501.330	Amendment
501.342	New Section
501.356	New Section
501.372	New Section
501.402	Amendment
501.404	Amendment
501.405	Amendment

4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 1009, 1012, 1018, 1021, 1022, and 1027.

5) A Complete Description of the Subjects and Issues Involved:

The proposed amendments would modify existing regulatory provisions dealing with the siting of new livestock management facilities, and livestock waste-handling facilities. New livestock management facilities and waste-handling facilities would be prohibited from locating within 1/2 mile of a populated area or within 1/4 mile of a non-farm residence, unless located within a designated Agricultural Area, or the facility undergoes expansion or the facility complies with local zoning requirements, as specified in the proposed amendments.

The proposal would allow for more liberal use of vegetative filters for the treatment of livestock waste generated at small- to medium-sized facilities.

The proposed amendments would further establish requirements for the field application of livestock wastes. Operators would be required to practice odor control methods so as not to cause air pollution.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

The proposed amendments are designed to reduce the potential for odors which constitute air pollution with minimum disruption of farming practices.

A description is also contained in the Board's Proposed Opinion of February 7, 1991, in R90-7, which Opinion is available from the Clerk of the Board at Illinois Pollution Control Board, State of Illinois Center, 100 West Randolph Street, Suite 11-500, Chicago, IL 60601.

6) Will this proposed amendment replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date?: No

8) Does this proposed amendment contain incorporations by reference? Yes

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives:

The proposed amendments would not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

This Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R90-7 and be addressed to:

Michelle C. Dresdow, Attorney
Illinois Pollution Control Board
PO Box 505
DeKalb, IL 60115

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 W. Randolph St., Suite 11-500
Chicago, IL 60601

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Lisa Moreno
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Illinois Environmental Protection Agency
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Ron Lawfer
14123 Burroak Lane
Stockton, IL 61085

A. G. Taylor
Illinois Environmental Protection Agency
2200 Churchill Road
PO Box 19276
Springfield, IL 62794-9276

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs:

February 7, 1991

B) Types of small businesses affected:

Farm businesses which handle livestock wastes.

C) Reporting, bookkeeping or other procedures required for compliance:

None required.

D) Types of professional skills necessary for compliance:

None required.

The full text of the Proposed Amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE E: AGRICULTURE RELATED POLLUTION

PART 501
GENERAL PROVISIONS

SUBPART A: AUTHORITY AND POLICY

Section
501.101 Authority
501.102 Policy

SUBPART B: DEFINITIONS AND INCORPORATIONS

Section
501.200 Incorporations by Reference
501.201 Definitions
501.205 Act
501.210 Administrator
501.215 Air Pollution
501.220 Agency
501.230 Animal Unit
501.235 Board
501.240 Construction
501.241 CWA
501.245 Existing Livestock Management Facility and Livestock Waste-Handling Facility
501.246 Expansion
501.248 Farm Residence
501.250 Feedlot Runoff
501.260 Impermeable
501.265 Lagoon
501.270 Leachate
501.274 Liquid Livestock Waste
501.275 Liquid Manure-Holding Tank
501.280 Livestock
501.285 Livestock Management Facility
501.290 Livestock Shelter
501.295 Livestock Waste
501.300 Livestock Waste-Handling Facility
501.305 Man-made
501.310 Man-made Ditch
501.315 Manure Storage Structure
501.317 Maximum Feasible Location
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501.330 New Livestock Management Facility and New Livestock Waste-Handling Facility
501.335 NPDES
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501.342 Non-farm Residence
501.345 Owner or Operator
501.350 Person
501.355 Pollutant
501.356 Populated Area
501.365 Settling Basin
501.370 Standard of Performance
501.372 Supernatant
501.375 Temporary Manure Stack
501.380 Water Pollution

SUBPART C: OPERATIONAL RULES

Section
501.401 General Criteria
501.402 Location of New Livestock Management Facilities and New Livestock Waste-Handling Facilities
501.403 Protection of Livestock Management Facilities and Livestock Waste-Handling Facilities
501.404 Handling and Storage of Livestock Waste
501.405 Field Application of Livestock Waste
501.406 Inspections and Disease Prevention

Appendix A: References to Previous Rules

AUTHORITY: Implementing and authorized by Sections 9, 12, 18, 21, 22 and 27 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 1009, 1012, 1013, 1021, 1022 and 1027.)

SOURCE: Filed and effective January 1, 1978; amended 2 Ill. Reg. 44, p. 137, effective October 30, 1978; codified at 7 Ill. Reg. 10592; amended at _____ Ill. Reg. _____, effective _____.

SUBPART A: AUTHORITY AND POLICY

Section 501.102 Policy

a) It is the purpose of the General Assembly in adopting the Environmental Protection Act to restore, maintain and enhance the purity of the air and waters of Illinois in order to protect health, welfare, property and the

quality of life. An adequate supply of healthy livestock is essential to the well-being of Illinois citizens and the nation. They provide the daily source of meat, milk, and eggs. Their efficient, economic production must be the concern of both producers and consumers if we are to have a continued abundance of high quality, wholesome food and of other livestock products at reasonable prices. The policy shall be to establish regulations that will provide a balance between a wholesome environment and the efficient production of adequate livestock products.

b) Livestock produce wastes which, when properly used, supply nutrients and organic matter to soils. The mere presence of livestock waste in a given location does not denote pollution, but may, when improperly stored, transported or disposed of, undesirably affect the environment.

c) It is hereby determined that the construction, establishment and operation of certain livestock management facilities and livestock waste-handling facilities without environmental planning and safeguards or the use of certain livestock wastes for agricultural purposes causes, threatens or allows the discharge of contaminants into the ~~air or~~ waters of Illinois so as to cause or threaten to cause pollution or to render such waters harmful to public health, safety or welfare or to domestic, commercial, industrial, agricultural and recreational uses or to man, livestock, wild animals, birds or fish or other aquatic life.

d) It is hereby determined that the construction, establishment and operation of livestock management facilities and livestock waste-handling facilities without environmental planning and safeguards or the use of livestock wastes for agricultural purposes causes, threatens or allows air pollution, THE DISCHARGE OF CONTAMINANTS INTO THE AIR OF ILLINOIS IN SUFFICIENT QUANTITIES AND OF SUCH CHARACTERISTICS AND DURATION AS TO BE INJURIOUS TO HUMAN, PLANT OR ANIMAL LIFE, TO HEALTH, OR TO PROPERTY, OR TO UNREASONABLY INTERFERE WITH THE ENJOYMENT OF LIFE OR PROPERTY. (Ill. Rev. Stat. ch. 111 1/2 par. 1003.2) It is recognized that the presence of odor is an inherent characteristic of livestock management facilities and livestock waste-handling

facilities, and that the detection of such odor does not per se constitute air pollution.

~~d)~~e) It is the purpose of this Chapter to prevent pollution of the air and waters of Illinois caused by failure to plan with regard to proper environmental safeguards the construction, location and operation of certain livestock management facilities and livestock waste-handling facilities. A permit system is established to ensure that such activities take account of environmental considerations and to meet the requirements for federal approval, as established by the CWA. It is also the purpose of these regulations to prevent pollution from the numerous point and non-point discharges, both continuous and fluctuating, which are present in certain livestock management facilities or livestock waste-handling facilities. To this end, procedural safeguards are required, in addition to compliance with the CWA, NPDES filing requirements and the feedlot category of point source effluent guidelines.

(Source: Amended at _____ Ill. Reg. _____, effective _____)

SUBPART B: DEFINITIONS AND INCORPORATIONS

Section 501.200

a) The Board incorporates the following material by reference:

ASAE. Available from American Society of Agricultural Engineers, 2950 Niles Road, St. Joseph, MI 49085-9659 (616-429-0300).

"Control of Manure Odors," ASAE EP379.1 (December 1986).

"Design of Anaerobic Lagoons for Animal Waste Management," ASAE EP403.1 (March 1990).

b) This Section incorporates no later editions or amendments.

(Source: Added at _____ Ill. Reg. _____, effective _____)

Section 501.246 Expansion

Commencement of construction at a livestock management facility or livestock waste-handling facility where the fixed capital cost of the new components constructed within a 2-year period exceeds 50% of the fixed capital cost of a comparable entirely new facility.

(Source: Added at _____ Ill. Reg. _____, effective _____)

Section 501.248 Farm Residence

Any residence on a farm occupied by the farm owners, operators, tenants or seasonal or year-round hired workers. For purposes of this definition, a "farm" is the land, buildings, and machinery used in the commercial production of farm products, and "farm products" are those plants and animals and their products which are produced or raised for commercial purposes and include but are not limited to forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, fruits, vegetables, flowers, seeds, grasses, trees, fish, honey and other similar products, or any other plant, animal, or plant or animal product which supplies people with food, feed, fiber, or fur.

(Source: Added at _____ Ill. Reg. _____, effective _____)

Section 501.274 Liquid Livestock Waste

Livestock waste which can be spread with a conventional liquid manure spreader. This includes pit manures, lagoon manures, holding pond or tank manures, and any other livestock waste consisting of less than 20% solids concentration.

(Source: Added at _____ Ill. Reg. _____, effective _____)

Section 501.317 Maximum Feasible Location

Any location for the establishment of a new livestock management facility or new livestock waste-handling facility where one of the following conditions exist:

a) The site is located closer to the livestock owner's or operator's residence than to a neighboring residence or populated area; or

b) The site is adjacent to an existing livestock management facility or livestock waste-handling facility, or is

farther away from a neighboring residence or populated area than the existing livestock management facility or livestock waste-handling facility, when the livestock owner or operator does not reside on the farm where the livestock are to be raised; or

c) The site is accessible to roads, water and electricity and is at the farthest location from a neighboring residence or populated area; there is no existing livestock management facility or livestock waste-handling facility on the site, and the livestock owner or operator does not reside on the farm where the livestock are to be raised.

(Source: Added at _____ Ill. Reg. _____, effective _____)

Section 501.330 New Livestock Management Facility and New Livestock Waste-Handling Facility

Any livestock management facility or livestock waste-handling facility the construction or modification of which is commenced on or after ~~the effective date of this Chapter~~ January 1, 1978, or any expansion which occurs on or after July 1, 1991.

(Source: Amended at _____ Ill. Reg. _____, effective _____)

Section 501.342 Non-farm Residence

Any residence which is not a farm residence.

(Source: Added at _____ Ill. Reg. _____, effective _____)

Section 501.356 Populated Area

Any area where at least ten (10) inhabited non-farm residences or at least fifty (50) persons frequenting a common place of assembly or a non-farm business at least once per week.

(Source: Added at _____ Ill. Reg. _____, effective _____)

Section 501.372 Supernatant

The liquid portion of the livestock waste that overlies deposited or settled solids that are stored in a tank or lagoon.

(Source: Added at _____ Ill. Reg. _____, effective _____)

SUBPART C: OPERATIONAL RULES

Section 501.402 Location of New Livestock Management Facilities and New Livestock Waste-Handling Facilities

a) No new livestock management facility or new livestock waste-handling facility shall contain within its boundaries any stream or other surface waters except small temporary accumulations of water occurring as a direct result of precipitation.

b) New livestock management facilities and new livestock waste-handling facilities located within a 10-year flood height as recorded by the United States Geological Survey or as officially estimated by the Illinois State Water Survey shall be protected against such flood.

c) New livestock management facilities and new livestock waste-handling facilities shall not be located ~~in close proximity to populated areas so as to cause air pollution~~ within 1/2 mile of a populated area or within 1/4 mile of a non-farm residence. For purposes of this subsection (c), the commencement of operations at an idle facility which has been operated as a livestock management facility or livestock waste-handling facility for four consecutive months at any time within the ten (10) previous years shall not be considered location of a new livestock management facility or new livestock waste-handling facility. Adequate odor control methods and technology shall be practiced by operators of new and existing livestock management facilities and livestock waste-handling facilities so as not to cause air pollution.

d) The setback requirements of subsection (c) shall not apply to any livestock management facility or livestock waste-handling facility which meets any of the following conditions:

1) The facility is located in an Agricultural Area, designated as such pursuant to the Agricultural Areas Conservation and Protection Act, Ill. Rev. Stat. 1989, ch. 5, par. 1001 et seq.;

2) The facility undergoes expansion, and the owner of the facility certifies and notifies the Agency in writing as such that the facility was operating as

a livestock management facility or livestock waste-handling facility for at least one year prior to the existence of any non-farm residence within 1/4 mile of the facility or of a populated area within 1/2 mile of the facility; or

3) The facility is part of a subdivision that complies with local zoning requirements and is platted for the express purpose of developing a residential area in which the residential developer has planned for the construction of a livestock management facility or livestock waste-handling facility for use by the residential owners within the subdivision.

e) A new livestock management facility or new livestock waste-handling facility which locates within 1/4 mile of a farm residence shall locate at the maximum feasible location from such residence.

f) A new livestock management facility or new livestock waste-handling facility which locates within 1/4 mile of a non-farm residence or within 1/2 mile of a populated area, pursuant to subsection (d), shall locate at the maximum feasible location from such residence or populated area.

~~d)~~g) New livestock management facilities or new livestock waste-handling facilities located on soil types or geological formations where the deposition of livestock waste is likely to cause groundwater pollution shall be constructed in such a way that pollution will be prevented, or supplementary measures shall be adopted which will prevent pollution.

(Source: Amended at _____ Ill. Reg. _____, effective _____)

Section 501.404 Handling and Storage of Livestock Waste

a) Any livestock waste stored in excess of six months shall be contained in a manure storage structure.

b) Temporary Manure Stacks

1) Temporary manure stacks shall be constructed or established and maintained in a manner to prevent runoff and leachate from entering surface or groundwaters.

2) No temporary manure stack shall be constructed within 100 feet of a water well.

c) Livestock Waste-Holding Facilities

1) Liquid manure-holding tanks shall be impermeable and capable of withstanding pressures and loadings to which such a tank may be subjected.

2) Holding ponds and lagoons shall be impermeable or so sealed as to prevent groundwater or surface water pollution.

3) The contents of livestock waste-handling facilities shall be kept at levels such that there is adequate storage capacity so that an overflow does not occur except in the case of precipitation in excess of a 25-year 24-hour storm.

4) Liquid Livestock Waste

A) Existing livestock management facilities which handle the waste in a liquid form shall have adequate storage capacity in a liquid manure-holding tank, lagoon, holding pond, or any combination thereof so as not to cause air or water pollution as defined in the Act or applicable regulations. If inadequate storage time causes or threatens to cause a violation of the Act or applicable regulations, the Agency may require that additional storage time be provided. In such cases, interim pollution prevention measures may be required by the Agency.

B) New livestock waste-handling facilities which handle the waste in a liquid form shall provide a minimum of 120-day storage with a liquid manure-holding tank, lagoon, holding pond, or any combination thereof unless the operator has justifiable reasons substantiating that a lesser storage volume is adequate. If inadequate storage volumes cause or threaten to cause a violation of the Act or applicable regulations, the Agency may require corrective measures.

d) Runoff Field Application Systems

All livestock management facilities with fewer than 300 animal units may construct and operate a runoff field application system for the treatment of livestock waste, meeting the requirements of 35 Ill. Adm. Code 570, in lieu of utilizing liquid manure-holding tanks, holding ponds, or lagoons in compliance with subsection (c), or other livestock waste-handling systems which would assure compliance with the Act and 35 Ill. Adm Code.Subtitle E.

e) Subsections (a) through (d) shall not apply to livestock management facilities with fifty (50) or fewer animal units, provided that the following conditions exist:

1) The location of the facility relative to waters of the State is such that there is no discharge of livestock waste into waters of the State, in violation of Section 12 of the Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1012);

2) There is no discharge of livestock waste into waters of the State by means of a man-made ditch, flushing system or other similar man-made device, in violation of Section 12 of the Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1012); and

3) The facility is managed so that livestock waste is not allowed to accumulate to an extent which threatens to cause a discharge to waters of the State, in violation of Section 12 of the Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1012).

(Source: Amended at _____ Ill. Reg. _____, effective _____)

Section 501.405 Field Application of Livestock Waste

a) The quantity of livestock waste applied on soils shall not exceed a practical limit as determined by soil type, especially its permeability, the condition (frozen or unfrozen) of the soil, the percent slope of the land, cover mulch, proximity to surface waters and likelihood of reaching groundwater, and other relevant considerations. These livestock waste application guidelines will be adopted pursuant to Section 502.305, unless otherwise provided for by Board regulations.

b) Operators of livestock waste handling facilities shall practice odor control methods during the course of manure removal and field application within 1/4 mile of an inhabited residence so as not to cause air pollution described in Section 501.102(d). Odor control methods include, but are not limited to,

1) Soil injection or other methods of incorporation of waste into the soil including discing or plowing;

2) Consideration of climatic conditions including wind direction and inversions;

3) For liquid livestock waste: whether supernatant which is used for irrigation purposes has been stored in a livestock waste lagoon system which is designed and operated in accordance with "Design of Anaerobic Lagoons for Animal Waste Management", as incorporated by reference at Section 501.200.

4) Other methods as described in "Control of Manure Odors", as incorporated by reference at Section 501.200.

(Source: Amended at _____ Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) The Heading of the Part: Standards for Existing Landfills and Units

2) Code Citation: 35 Ill. Adm. Code 814

3)

Section Number:	Proposed Action:
814.601	New Section
814.602	New Section
814.701	New Section
814.702	New Section
814.801	New Section

4) Statutory Authority: Illinois Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 1005, 1021, 1021.1, 1022, 1022.17, 1028.1 and 1027).

5) A Complete Description of the Subjects and Issues Involved:

A description of the proposed amendments and rules in Board Docket R90-26 is contained in the Board's February 7, 1991 First Notice Opinion and Order entitled, "In the Matter of: Steel and Foundry Industry Amendments to the Landfill Regulations (Parts 810-815)". The Opinion and Order are available from the address below. The Opinion explains the reasons for the Board's proposed amendments to existing Parts 811 and 814, and proposed new Part 817, all of which appear in this issue.

In summary, the proposed amendments to Part 814 establish standards for existing landfills that dispose of waste from foundries and primary steel production facilities as of the effective date of the proposed amendments. The proposed amendments establish requirements for new disposal units and existing disposal units within such landfills. Landfill operators are required to determine the date on which their facilities must begin closure, which is dependent upon the ability of existing units to meet the design and performance standards contained in the proposed amendments.

6) Will these proposed amendments replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No
Section Numbers: Proposed Action: Ill. Reg. Citation:

10) Statement of Statewide Policy Objective:

Part 814 imposes various requirements on existing landfills. The proposed amendments will impose alternative, less restrictive requirements on existing landfills that dispose of waste from foundries and primary steel production facilities. The only units of local government affected by the proposed amendments are those that operate existing landfills that dispose of waste from foundries and primary steel production facilities.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Board Docket R90-26 and be addressed to:

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 West Randolph
Chicago, IL 60601

Persons who wish additional information concerning hearings and filing requirements should contact the Hearing Officer, Deborah Stonich, Illinois Pollution Control Board, State of Illinois Center, 100 W. Randolph, Suite 11-500, Chicago, IL 60601, (312) 814-6926.

12) Initial Regulatory Flexibility Analysis (if applicable):

A) Date rule submitted to Business Assistance Office of the Department of Commerce and Community Affairs::

February 15, 1991

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

B) Types of small businesses affected:

The proposed amendments may affect existing landfills that dispose of waste from foundries and primary steel production facilities.

C) Reporting, bookkeeping or other procedures required for compliance:

Compliance may require a hydrogeologic investigation of a proposed new landfill site, preparation of a site design and operations plan, preparation of and recordkeeping concerning a construction quality assurance plan, groundwater monitoring, recordkeeping concerning the nature of the wastes received at the site, preparation of a plan for closure and postclosure care, and receipt of a financial assurance instrument to guarantee compliance with such plan.

D) Types of professional skills necessary for compliance:

Compliance may require the services of an attorney, a registered professional engineer, a professional land surveyor, a hydrologist, and a certified public account.

The full text of the proposed amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULING

PART 814
STANDARDS FOR EXISTING LANDFILLS AND UNITS

SUBPART A: GENERAL REQUIREMENTS

Section
814.101 Scope and Applicability
814.102 Compliance Date
814.103 Notification to Agency
814.104 Applications for Significant Modification of Permits
814.105 Effect of Timely Filing of Notification and Application for Significant Modification
814.106 Agency Action on Application for Significant Modifications to Existing Permits

SUBPART B: STANDARDS FOR UNITS ACCEPTING INERT WASTE

Section
814.201 Scope and Applicability
814.202 Applicable Standards

SUBPART C: STANDARDS FOR EXISTING UNITS ACCEPTING CHEMICAL AND PUTRESCIBLE WASTES THAT MAY REMAIN OPEN FOR MORE THAN SEVEN YEARS

Section
814.301 Scope and Applicabiity
814.302 Applicable Standards

SUBPART D: STANDARDS FOR EXISTING UNITS ACCEPTING CHEMICAL AND PUTRESCIBLE WASTES THAT MUST INITIATE CLOSURE WIHIN SEVEN YEARS

Section
814.401 Scope and Applicability
814.402 Applicable Standards

SUBPART E: STANDARDS FOR EXISTING UNITS ACCEPTING INERT WASTE ONLY, OR ACCEPTING CHEMICAL AND PUTRESCIBLE WASTES THAT MUST INITIATE CLOSURE WITHIN TWO YEARS

Section
814.501 Scope and Applicability
814.502 Standards for Operation and Closure

SUBPART F: STANDARDS FOR EXISTING UNITS ACCEPTING LOW RISK WASTES FROM THE STEEL AND FOUNDRY INDUSTRIES THAT MAY REMAIN OPEN FOR MORE THAN SEVEN YEARS

Section
814.601 Scope and Applicability
814.602 Applicable Standards

SUBPART G: STANDARDS FOR EXISTING UNITS ACCEPTING LOW RISK WASTES FROM THE STEEL OR FOUNDRY INDUSTRIES THAT MUST INITIATE CLOSURE WITHIN SEVEN YEARS

Section
814.701 Scope and Applicability
814.702 Applicable Standards

SUBPART H: STANDARDS FOR EXISTING UNITS ACCEPTING POTENTIALLY REUSABLE STEEL OR FOUNDRY INDUSTRY WASTE ONLY, OR ACCEPTING LOW RISK STEEL OR FOUNDRY INDUSTRY WASTES THAT MUST INITIATE CLOSURE WITHIN TWO YEARS

Section
814.801 Scope and Applicability

AUTHORITY: Implementing Sections 5, 21, 21.1, 22, 22.17 and 28.1 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 1005, 1021, 1021.1, 1022, 1022.17, 1028.1 and 1027.).

SOURCE: Adopted in R88-7 at 14 Ill. Reg. 15861, effective September 18, 1990; amended in R90-26 at 15 Ill. Reg. , effective .

NOTE: Capitalization indicates statutory language.

SUBPART F: STANDARDS FOR EXISTING UNITS ACCEPTING LOW RISK WASTES FROM THE STEEL AND FOUNDRY INDUSTRIES THAT MAY REMAIN OPEN FOR MORE THAN SEVEN YEARS

Section 814.601 Scope and Applicability

a) The standards in this Subpart are applicable to all existing units of landfills, including those exempt from permit requirements in accordance with Section 21(d) of the Act, that have accepted or accept low risk wastes. Based on an evaluation of the information submitted pursuant to Subpart A and any Agency site inspection, units that meet the requirements of this Subpart may remain open for an indefinite period of time beyond seven years after the effective date of this Part.

b) Based on an evaluation of the information submitted pursuant to Subpart A and any Agency site inspection, units which are unable to comply with the requirements of this Subpart are subject to the requirements of Subpart G or Subpart H.

(Source: Added at 15 Ill. Reg. , effective).

Section 814.602 Applicable Standards

a) All of the requirements for new units described in 35 Ill. Adm. Code 817 shall apply to units regulated under this Subpart except the following:

1) The location standards in 35 Ill. Adm. Code 817.402(a), (d), and (e);

2) The foundation and mass stability analysis standards in 35 Ill. Adm. Code 817.404 and 817.405;

3) The final cover requirements of 35 Ill. Adm. Code 817.407 shall not apply to units or parts of units closed, covered and vegetated prior to the effective date of this Part; and

4) The hydrogeological site investigation requirements of 35 Ill. Adm. Code 817.408, except that information shall be collected to implement a groundwater monitoring program in accordance with 35 Ill. Adm. Code 817.411 and 817.412 and establish background concentrations for the purpose of

establishing water quality standards pursuant to 35 Ill. Adm. Code 817.413.

b) Units regulated under this Subpart shall be subject to the following standards:

1) The unit must be equipped with a system which will effectively drain and collect leachate and transport it to a leachate management system. However, if the facility can provide proof that the federal maximum concentration limits (MCLs) will not be exceeded at the compliance boundary, no leachate collection or transport system shall be required;

2) The operator shall provide a long-term static safety factor of at least 1.5 to protect a completed unit against slope failure;

3) Calculation of the Design Period

For the purpose of calculating financial assurance the design period shall be calculated as follows:

A) The design period shall be no less than the operating life of the landfill plus 15 years of postclosure care;

B) The postclosure care period shall be extended by three year for each year the unit is expected to be in operation up to the applicable design period required by 35 Ill. Adm. Code 817 (For example, an existing unit with expected operating lives of three or seven years after the effective date of this Part would be required to provide financial assurance during operation and for a postclosure care period of either 15 years since 3 x 3 = 9 years is less than the 15 year minimum specified in subsection (b)(3)(A); or 20 years since 3 x 7 = 21 years is greater than the 20 years specified in 35 Ill. Adm. 817.403(a), respectively).

(Source: Added at 15 Ill. Reg. , effective).

SUBPART G: STANDARDS FOR EXISTING UNITS ACCEPTING LOW RISK WASTES FROM THE STEEL OR FOUNDRY INDUSTRIES THAT MUST INITIATE CLOSURE WITHIN SEVEN YEARS

Section 814.701 Scope and Applicability

a) The standards in this Subpart are applicable to all existing units of landfills, including those exempt from permit requirements in accordance with Section 21(d) of the Act, that have accepted or accept low risk wastes. Based on an evaluation of the info mation submitted pursuant to Subpart A and any Agency site inspection, units that meet the requirements of this Subpart shall initiate closure between two and seven years after the effective date of this Part.

b) Based on an evaluation of the information submitted pursuant to Subpart A and any Agency site inspection, units which are unable to comply with the requirements of this Section are subject to the requirements of Subpart H.

(Source: Added at 15 Ill. Reg. , effective).

Section 814.702 Applicable Standards

a) All of the requirements for new units described in 35 Ill. Adm. Code 817 shall apply to units regulated under this Subpart, except the following:

1) The location standards in 35 Ill. Adm. Code 817.402(a), (c), (d) and (e);

2) The foundation and mass stability analysis standards in 35 Ill. Adm. Code 817.404 and 817.405;

3) The final cover requirements of 35 Ill. Adm. Code 817.407 shall not apply to units or parts of units closed, covered and vegetated prior to the effective date of this Part;

4) The hydrogeological site investigatior requirements of 35 Ill. Adm. Code 817.408;

5) The groundwater impact assessment standards of 35 Ill. Adm. Code 817.410;

6) The groundwater monitoring program requirements of 35 Ill. Adm. Code 817.411(c); and

7) The groundwater quality standards of 35 Ill. Adm. Code 817.413(a), (b) and (c).

b) The following standards shall apply to units regulated under this Subpart:

1) No new units shall be opened and an existing unit may not expand beyond the area included in a permit prior to the effective date of this Part or, in the case of permit exempt facilities, beyond the area needed for landfilling to continue until closure is initiated;

2) After the effective date of this Part, the unit may apply for supplemental waste stream permits provided, however, that the additional waste streams are of a similar or compatible chemical makeup to the wastes previously disposed of in the unit. The unit may also continue to accept special waste under permits existing prior to the effective date of this Part and may renew those permits as necessary.

3) Groundwater Standards

A unit shall not contaminate a source of drinking water at the compliance boundary, defined as any point on the edge of the unit at or below the ground surface. At any point on the compliance boundary, the concentration of constituents shall not exceed the federal MCLs. The Board may provide for a zone of attenuation and adjust the compliance boundary in accordance with Section 28.1 of the Act and the procedures of 35 Ill. Adm. Code 106.Subpart G upon petition demonstration by the operator that the alternative compliance boundary will not result in contamination of groundwater which may be needed or used for human consumption. In reviewing such petitions, the Board will consider the following factors:

A) The hydrogeological characteristics of the unit and surrounding land, including any natural attenuation and dilution characteristics of the aquifer;

B) The volume and physical and chemical characteristics of the leachate;

C) The quantity, quality, and direction of flow of groundwater underlying the facility;

D) The proximity and withdrawal rates of groundwater users;

E) The availability of alternative drinking water supplies;

F) The existing quality of the groundwater, including other sources of contamination and their cumulative impacts on the groundwater;

G) Public health, safety, and welfare effects; and

H) In no case shall the zone of compliance extend beyond the facility property line or beyond the annual high water mark of any navigable surface water.

4) Calculation of the Design Period

For the purposes of calculating financial assurance the design period shall be calculated as follows:

A) The design period shall be no less than five years; and

B) The postclosure care period shall be extended by three years for each year the unit is expected to be in operation up to the applicable design period required by 35 Ill. Adm. Code 817. (For example, an existing unit with an expected life of three years after the effective date of this Part would be required to provide financial assurance for nine years of postclosure care, 9 = 3 x 3.)

(Source: Added at 15 Ill. Reg. , effective).

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART H: STANDARDS FOR EXISTING UNITS ACCEPTING POTENTIALLY REUSABLE STEEL OR FOUNDRY INDUSTRY WASTE ONLY, OR ACCEPTING LOW RISK STEEL OR FOUNDRY INDUSTRY WASTES THAT MUST INITIATE CLOSURE WITHIN TWO YEARS

Section 814.801 Scope and Applicability

a) The standards in this Subpart are applicable to all existing units of landfills, including those exempt from permit requirements in accordance with Section 21(d) of the Act, that accept potentially reusable waste only, or which accept low risk wastes.

b) All units that cannot demonstrate compliance with the requirements of Subparts B, F or G, or are scheduled to begin closure within two years of the effective date of this Part must begin closure within two years of the effective date of this Part.

(Source: Added at 15 Ill. Reg. , effective).

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) The Heading of the Part: Standards for New Solid Waste Landfills

2) Code Citation: 35 Ill. Adm. Code 811

3)

Section Number:	Proposed Action:
811.101	Amended Section
811.401	Amended Section

4) Statutory Authority: Illinois Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 1005, 1021, 1021.1, 1022, 1022.17, 1028.1 and 1027).

5) A Complete Description of the Subjects and Issues Involved:

A description of the proposed amendments and rules in Board Docket R90-26 is contained in the Board's February 7, 1991 First Notice Opinion and Order entitled, "In the Matter of: Steel and Foundry Industry Amendments to the Landfill Regulations (Parts 810-815)". The Opinion and Order are available from the address below. The Opinion explains the reasons for the Board's proposed amendments to existing Parts 811 and 814, and proposed new Part 817, all of which appear in this issue.

In summary, the proposed amendments to Part 811 cross-reference proposed new Part 817, which regulates new landfills that dispose of waste from foundries and primary steel production facilities.

6) Will these proposed amendments replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No
Section Numbers: Proposed Action: Ill. Reg. Citation:

10) Statement of Statewide Policy Objective:

The proposed amendments impose no new mandates on units of local government because the amendments reference new landfills that dispose of waste from foundries and primary steel production facilities and that will be regulated by proposed new Part 817.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Board Docket R90-26 and be addressed to:

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 West Randolph
Chicago, IL 60601

Persons who wish additional information concerning hearings and filing requirements should contact the Hearing Officer, Deborah Stonich, Illinois Pollution Control Board, State of Illinois Center, 100 W. Randolph, Suite 11-500, Chicago, IL 60601, (312) 814-6926.

12) Initial Regulatory Flexibility Analysis (if applicable):

A) Date amendments submitted to Business Assistance Office of the Department of Commerce and Community Affairs:

February 15, 1991

B) Types of small businesses affected:

The proposed amendments will affect new landfills that dispose of waste from foundries and primary steel production facilities and that will be regulated by proposed new Part 817.

C) Reporting, bookkeeping or other procedures required for compliance:

The proposed amendments do not specify any reporting, bookkeeping, or other procedures required for compliance.

D) Types of professional skills necessary for compliance:

The proposed amendments do not specify any professional skills necessary for compliance.

The full text of the proposed amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULING

PART 811
STANDARDS FOR NEW SOLID WASTE LANDFILLS

SUBPART A: GENERAL STANDARDS FOR ALL LANDFILLS

Section
811.101 Scope and Applicability
811.102 Location Standards
811.103 Surface Water Drainage
811.104 Survey Controls
811.105 Compaction
811.106 Daily Cover
811.107 Operating Standards
811.108 Salvaging
811.109 Boundary Control
811.110 Closure and Written Closure Plan
811.111 Postclosure Maintenance

SUBPART B: INERT WASTE LANDFILLS

Section
811.201 Scope and Applicability
811.202 Determination of Contaminated Leachate
811.203 Design Period
811.204 Final Cover
811.205 Final Slope and Stabilization
811.206 Leachate Sampling
811.207 Load Checking

SUBPART C: PUTRESCIBLE AND CHEMICAL WASTE LANDFILLS

Section
811.301 Scope and Applicability
811.302 Facility Location
811.303 Design Period
811.304 Foundation and Mass Stability Analysis
811.305 Foundation Construction
811.306 Liner Systems
811.307 Leachate Drainage System
811.308 Leachate Collection System
811.309 Leachate Treatment and Disposal System
811.310 Landfill Gas Monitoring

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

811.311 Landfill Gas Management System
811.312 Landfill Gas Processing and Disposal Systen
811.313 Intermediate Cover
811.314 Final Cover System
811.315 Hydrogeologicl Site Investigations
811.316 Plugging and Sealing of Drill Holes
811.317 Groundwater Impact Assessment
811.318 Design, Construction, and Operation of Groundwater Monitoring Systems
811.319 Groundwater Monitoring Programs
811.320 Groundwater Quality Standards
811.321 Waste Placement
811.322 Final Slope and Stabilization
811.323 Load Checking Program

SUBPART D: MANAGEMENT OF SPECIAL WASTES AT LANDFILLS

Section
811.401 Scope and Applicability
811.402 Notice to Generators and Transporters
811.403 Special Waste Manifests
811.404 Identification Record
811.405 Recordkeeping Requirements
811.406 Procedures for Excluding Regulated Hazardous Wastes

SUBPART E: CONSTRUCTION QUALITY ASSURANCE PROGRAMS

Section
811.501 Scope and Applicability
811.502 Duties and Qualifications of Key Personnel
811.503 Inspection Activities
811.504 Sampling Requirements
811.505 Documentation
811.506 Foundations and Subbases
811.507 Compacted Earth Liners
811.508 Geomembranes
811.509 Leachate Collection Systems

SUBPART G: FINANCIAL ASSURANCE

Section
811.700 Scope, Applicability and Definitions
811.701 Upgrading Financial Assurance
811.702 Release of Financial Institution
811.703 Application of Proceeds and Appeals
811.704 Closure and Postclosure Care Cost Estimates

811.705 Revisin of Cost Estimate
811.706 Mechanisms For Financial Assurance
811.707 Ues of Multiple Financial Mechanisms
811.708 Use of a Financial Mechanism for Multiple Sites
811.709 Trust Fund for Unrelated Sites
811.710 Trust Fund
811.711 Surety Bond Guaranteeing Payment
811.712 Surety Boud Guaranteeing Performance
811.713 Letter of Credit
811.714 Closure Insurance
811.715 Self-Insurance for Non-commercial Sites

811.Appendix A Financial Assurance Forms
Illustration A Trust Agreement
Illustration B Certificate of Acknowledgment
Illustration C Forfeiture Bond
Illustration D Performance Bond
Illustration E Irrevocable Standby Letter of Credit
Illustration F Certificate of Insurance for Closure and/or Postclosure Care
Illustration G Operator's Bond Without Surety
Illustration H Operator's Bond With Parent Surety
Illustration I Letter from Chief Financial Officer

AUTHORITY: Implementing Sections 5, 21, 21.1, 22, 22.17 and 28.1 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 1005, 1021, 1021.1, 1022, 1022.17, 1028.1 and 1027.).

SOURCE: Adopted in R88-7 at 14 Ill. Reg. 15861, effective September 18, 1990; amended in R90-26 at 15 Ill. Reg. , effective .

NOTE: Capitalization indicates statutory language.

SUBPART A: GENERAL STANDARDS FOR ALL LANDFILLS

Section 811.101 Scope and Applicability

a) The standards of this Part apply to all new landfills, except those regulated pursuant to 35 Ill. Adm. Code 700 through 749. Subpart A contains general standards applicable to all new landfills. Subpart B contains additional standards for new landfills which dispose of only inert wastes. Subpart C contains additional standards for new landfills which dispose of chemical and putrescible wastes. Part 817 contains additional standards for new landfills which dispose of waste generated by foundries and primary steel production facilities.

b) This Part shall not apply until one year after the effective date of this Part to new landfills solely receiving the following wastes generated by the following industries, provided that proposed regulations of general applicability to that industry category are filed with the Bord no later than December 1, 1990: wastes generated by foundries and primary steel production facilities and coal combustion wastes generated by electric utilities. The requirements of 35 Ill. Adm. Code 807 shall apply to such landfills during the interim period of one year after the effective date of this Part. This Part shall become effective immediately after December 1, 1990 if no proposal has been filed by that date.

c) All general provisions of 35 Ill. Adm. Code 810 apply to this Part.

(Source: Amended at 15 Ill. Reg. , effective).

SUBPART D: MANAGEMENT OF SPECIAL WASTES AT LANDFILLS

Section 811.401 Scope and Applicability

a) This Subpart applies to all landfills permitted by the Agency pursuant to Section 21 of the Act, including landfills operated onsite, with or without a permit, that accept special wastes, except for foundry and primary steel production waste landfills, which are regulated under 35 Ill. Adm. Code 817 of these regulations.

b) The standards of this Subpart apply in addition to the standards of 35 Ill. Adm. Code 809.

c) Inspection, testing or acceptance of waste by a solid waste management facility shall not relieve the generator or transporter of responsibility for compliance with the requirements of 35 Ill. Adm. Code: Subtitle G.

(Source: Amended at 15 Ill. Reg. , effective).

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

1) The Heading of the Part: Standards for New Steel and Foundry Industry Waste Landfills

2) Code Citation: 35 Ill. Adm. Code 817

3)

Section Number:	Proposed Action:
817.101	New Section
817.102	New Section
817.103	New Section
817.104	New Section
817.105	New Section
817.201	New Section
817.202	New Section
817.203	New Section
817.204	New Section
817.301	New Section
817.302	New Section
817.303	New Section
817.304	New Section
817.305	New Section
817.306	New Section
817.401	New Section
817.402	New Section
817.403	New Section
817.404	New Section
817.405	New Section
817.406	New Section
817.407	New Section
817.408	New Section
817.409	New Section
817.410	New Section
817.411	New Section
817.412	New Section
817.413	New Section
817.414	New Section
817.415	New Section
817.416	New Section

4) Statutory Authority: Illinois Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 1005, 1021, 1021.1, 1022, 1022.17, 1028.1 and 1027).

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

5) A Complete Description of the Subjects and Issues Involved:

A description of the proposed amendments and rules in Board Docket R90-26 is contained in the Board's February 7, 1991 First Notice Opinion and Order entitled, "In the Matter of: Steel and Foundry Industry Amendments to the Landfill Regulations (Parts 810-815)". The Opinion and Order are available from the address below. The Opinion explains the reasons for the Board's proposed amendments to existing Parts 811 and 814, and proposed new Part 817, all of which appear in this issue.

In summary, new Part 817 applies to new landfills that dispose of waste from foundries and primary steel production facilities. It establishes standards for 1) location, design, and operation, 2) identification and management of waste, 3) construction quality assurance programs, and 4) financial assurance for closure and post closure care.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule contain incorporations by reference? Yes

9) Are there any other amendments pending on this Part? No
Section Numbers: Proposed Action: Ill. Reg. Citation:

10) Statement of Statewide Policy Objective:

Part 811 imposes various requirements on new landfills. The proposed rules will impose alternative, less restrictive requirements on new landfills that dispose of waste from foundries and primary steel production facilities. The only units of local government affected by the proposed rules are those that operate new landfills that dispose of wastes from foundries and primary steel production facilities.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Board Docket R90-26 and be addressed to:

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 West Randolph
Chicago, IL 60601

Persons who wish additional information concerning hearings and filing requirements should contact the Hearing Officer, Deborah Stonich, Illinois Pollution Control Board, State of Illinois Center, 100 W. Randolph, Suite 11-500, Chicago, IL 60601, (312) 814-6926.

12) Initial Regulatory Flexibility Analysis (if applicable):

A) Date rule submitted to Business Assistance Office of the Department of Commerce and Community Affairs::

February 15, 1991

B) Types of small businesses affected:

The proposed rules may affect new landfills that dispose of waste from foundries and primary steel production facilities.

C) Reporting, bookkeeping or other procedures required for compliance:

Compliance may require a hydrogeologic investigation of a proposed new landfill site, preparation of a site design and operations plan, preparation of an recordkeeping concerning a construction quality assurance plan, groundwater monitoring, recordkeeping concerning the nature of the wastes received at the site, preparation of a plan for closure and postclosure care, and receipt of a financial assurance instrument to guarantee compliance with such plan.

D) Types of professional skills necessary for compliance:

Compliance may require the services of an attorney, a registered professional engineer, a professional land surveyor, a hydrologist, and a certified public account.

The full text of the proposed rules begins on the next page:

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: 'POLLUTION CONTROL BOARD
SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULING

PART 817
STANDARDS FOR NEW STEEL AND FOUNDRY INDUSTRY WASTE LANDFILLS

SUBPART A: GENERAL STANDARDS FOR ALL STEEL AND FOUNDRY INDUSTRY WASTE LANDFILLS

Section
817.101 Scope and Applicability
817.102 Determination of Waste Status
817.103 Sampling Frequency
817.104 Waste Classification
817.105 Waste Classification Table

SUBPART B: STANDARDS FOR DISPOSAL OF BENEFICIALLY USABLE STEEL AND FOUNDRY INDUSTRY WASTES

Section
817.201 Scope and Applicability
817.202 Limitations on Use
817.203 Certification
817.204 Notification of Use

SUBPART C: STEEL AND FOUNDRY INDUSTRY POTENTIALLY USABLE WASTE LANDFILLS

Section
817.301 Scope and Applicability
817.302 Design Period
817.303 Final Cover
817.304 Final Slope and Stabilization
817.305 Leachate Sampling
817.306 Load Checking

SUBPART D: NEW STEEL AND FOUNDRY INDUSTRY LOW RISK WASTE LANDFILLS

Section
817.401 Scope and Applicability
817.402 Facility location
817.403 Design Period
817.404 Foundation and Mass Stability Analysis
817.405 Foundation Construction

817.406 Liner Systems
817.407 Final Cover System
817.408 Hydrogeologic Site Investigations
817.409 Plugging and Sealing of Drill Holes
817.410 Groundwater Impact Assessment

817.411 Design, Construction and Operation of Groundwater Monitoring Systems
817.412 Groundwater Monitoring Programs
817.413 Groundwater Quality Standards
817.414 Waste Placement
817.415 Final Slope and Stabilization
817.416 Load Checking

AUTHORITY: Implementing Sections 5, 21, 21.1, 22, 22.17 and 28.1 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 1005, 1021, 1021.1, 1022, 1022.17, 1028.1 and 1027.).

SOURCE: Adopted in R90-26 at 15 Ill. Reg. , effective .

NOTE: Capitalization indicates statutory language.

SUBPART A: GENERAL STANDARDS FOR ALL STEEL AND FOUNDRY INDUSTRY WASTE LANDFILLS

Section 817.101 Scope and Applicability

a) In addition to the requirements of 35 Ill. Adm. Code 811.Subpart A, the standards of this Part apply exclusively to non-protectible wastes from the steel and foundry industries.

b) Landfills units regulated under this Part shall accept waste only from the steel and foundry industries.

c) This Part shall not apply to the legitimate use of iron and steelmaking slags including the use as abase for road building, but not including use for land reclamation except as allowed under subsection (e).

d) This Part shall not apply to the legitimate use of foundry sand which has been demonstrated as suitable for beneficial use under Section 817.104, including the use

as a base for road building, but not including use for land reclamation except as allowed under subsection (e).

e) The use of iron and steelmaking slags and foundry sands for land reclamation purposes may be approved by the Illinois Environmental Protection Agency (Agency) provided it is determined that these uses do not pose a threat to public health and the environment.

f) The use of iron and steelmaking slags and foundry sands as raw material in the manufacture of another product shall in no way be restricted by this Part.

Section 817.102 Determination of Waste Status

a) A representative sample of leachate extracted from the waste by the laboratory procedure listed in 35 Ill. Adm. Code.Appendix B may be used to model the expected constituents and concentrations of the leachate.

b) Actual samples of leachate from an existing solid waste disposal unit or beneficial use site may be utilized under the following conditions:

1) The waste in the existing unit is similar to the waste to be used or disposed;

2) The conditions under which the leachate was formed are similar to those expected to be encountered; and

3) Leachate is sampled so as to be representative of undiluted and unattenuated leachate emanating from the unit.

Section 817.103 Sampling Frequency

a) All wastes shall be tested annually.

b) Additional testing on individual waste streams shall be conducted when any of the following occurs:

1) There is a change in the raw materials which could significantly affect the wastes' leaching characteristics;

2) There is a modification to the process which generates the waste and the change could significantly affect the wastes' leaching characteristics; or

3) There is an addition of a new process which may generate a new waste material.

Section 817.104 Waste Classification

a) Wastes regulated by this Part shall be classified on the basis of leaching potential as determined by the procedure at Section 817.102.

b) Non-putrecible wastes regulated by this Part shall fall into one of four classifications:

1) Beneficially Usable;

2) Potentially Usable;

3) Low Risk; or

4) Chemical

c) Maximum Allowable Leaching Concentration (MALC) for the Beneficially Usable, Potentially Usable and Low Risk classes are presented in the table at Section 817.105. Wastes exceeding the MALCs for the Low Risk class shall be regulated as Chemical Wastes under 35 Ill. Adm. Code 811.Subpart C.

Section 817.105 Waste Classification Table

MAXIMUM ALLOWABLE LEACHING CONCENTRATIONS
(Concentrations in mg/l)

Parameter	Beneficially Usable Wastes	Potentially Usable Wastes	Low Risk Wastes
(Primary Standards)			
Arsenic	0.05	0.05	0.25
Barium	1.0	1.0	5.0
Cadmium	0.01	0.01	0.05
Chromium	0.05	0.05	0.25

Lead	0.05	0.05	0.25
Nitrate	10	10	50
Selenium	0.01	0.01	0.05
Fluoride	4	4	20
(Secondary Standards)			
Chloride	250	250	500
Manganese	0.15	0.75	3.75
Copper	5	5	10
Iron	5	5	15
Sulfates	400	400	800
Zinc	5	10	50
TDS	1,200	1,200	5,000

BOARD NOTE: Any waste which leachates concentrations of constituents above the levels stated for Low Risk Wastes would be considered a Chemical Waste and, therefore, subject to the disposal requirements of a Chemical Waste.

SUBPART B: STANDARDS FOR DISPOSAL OF BENEFICIALLY USABLE STEEL AND FOUNDRY INDUSTRY WASTES

Section 817.201 Scope and Applicability

The standards of this Subpart, along with 35 Ill. Adm. Code 811.101 and 811.102, shall apply to all steel and foundry industry wastes not exempt under Section 817.101 and meeting the MALC limits for beneficially usable wastes provided in Section 817.205.

Section 817.202 Limitations on Use

Wastes regulated by this Subpart may be used as road ballast, construction fill material, daily cover to landfills and similar beneficial uses.

Section 817.303 Certification

The generator of wastes regulated by this Subpart shall certify each load sent to a offsite beneficial use as meeting the requirements of Subpart A.

Section 817.204 Notification of Use

The generator of wastes regulated by this Subpart shall notify the Agency of the location of each beneficial use site through the use of an annual report.

SUBPART C: STEEL AND FOUNDRY INDUSTRY POTENTIALLY USABLE WASTE LANDFILLS

Section 817.301 Scope and Applicability

The standards of this Subpart, in addition to the requirements of 35 Ill. Adm. Code 811.Subpart A, shall apply to all landfills in which only potentially usable waste is to be placed.

Section 817.302 Design Period

The design period for all potentially usable waste disposal units shall be the estimated operating life of the unit plus a minimum postclosure care period of five years. For landfills, other than those used exclusively for disposing waste generated at the site, the minimum postclosure care period, for purposes of monitoring settling at the site, shall be 15 years.

Section 817.303 Final Cover

A minimum of 0.46 meter (1.5 feet) of soil material that will support vegetation which prevents or minimizes erosion shall be applied over all disturbed areas. Where no vegetation is required for the intended postclosure land use, the requirements of Section 817.304(b) will not apply; however, the final surface shall still be designed to prevent or minimize erosion.

Section 817.304 Final Slope and Stabilization

a) The waste disposal unit shall be designed and constructed to achieve a minimum static slope safety factor of 1.5 and a minimum seismic safety factor of 1.3.

b) Standards for Vegetation

1) Vegetation shall be promoted on all reconstructed surfaces to minimize wind and water erosion;

2) Vegetation shall be compatible with (i.e., grow and survive under) the local climatic conditions;

3) Vegetation shall require little maintenance;

4) Vegetation shall consist of a diverse mix of native and introduced species consistent with the post-closure land use; and

5) Temporary erosion control measures, including, but not limited to, the application, alone or in combination, or mulch, straw, netting, or chemical soil stabilizers, shall be undertaken while vegetation is being established.

c) The landfill site shall be monitored for settling for a minimum period of 15 years after closure as specified in Section 817.302 in order to meet the requirements of this Section.

Section 817.305 Leachate Sampling

a) All potentially usable waste landfills shall be designed to include a monitoring system capable of collecting representative samples of leachate generated by the waste, using methods such as, but not limited to, a pressure-vacuum lysimeter, trench lysimeter or a well point. The sampling locations shall be located so as to collect the least dilute leachate samples.

b) Leachate samples shall be collected and analyzed at least once every six months to determine, using the statistical procedures of 35 Ill. Adm. Code 811.320(e), the proper waste classification as defined in Section 817.102.

c) Once every two years, leachate samples shall be tested for the presence of organic chemicals in accordance with 35 Ill. Adm. Code 811.319(a)(3). If the results of such testing show the presence of organic chemicals, the operator shall notify the Agency of this fining, in writing, before the end of the business day following the finding.

d) If the results of testing of leachate samples in accordance with subsection (b) confirm that the leachate exceeds the limits for potentially usable waste as defined in Section 817.104, the operator shall notify the Agency of this finding, in writing before the end of the business day following the finding. In addition,

the potentially usable waste landfill facility causing the contamination:

1) shall no longer be subject to the potentially usable waste landfill requirements of Subpart C;

2) shall be subject to the requirements for Low Risk Waste Landfills of Subpart D, including closure and remedial action.

e) The results of the chemical analysis tests shall be included in the Quarterly Groundwater Reports submitted to the Agency in accordance with 35 Ill. Adm. Code 815.Subpart D for non-permitted facilities.

Section 817.306 Load Checking

a) The operator shall not accept wastes for disposal at a potentially usable waste landfill unless it is accompanied by documentation that such wastes are potentially usable based on testing of the leachate from such wastes performed in accordance with the requirement of Section 817.302.

b) The operator shall institute and conduct a random load checking program at each potentially usable waste facility in accordance with the requirements of 35 Ill. Adm. Code 811.323 except that this program shall also be designed:

1) to detect and discourage attempts to dispose non-potentially usable wastes at the landfill;

2) to require the facility's inspector to examine at least one random load of solid waste delivered to the landfill on a random day each week; and

3) to require the operator to test one randomly selected waste sample on an annual basis in accordance with Sections 817.302(a) and (b) to determine if the waste is potentially usable as defined in this part.

c) The operator shall include the results of the load checking in the Annual Report submitted to the Agency in accordance with 35 Ill. Adm. Code 813.501 for permitted

facilities and 35 Ill. Adm. Code 815.Subpart C for non-permitted facilities.

SUBPART D: NEW STEEL AND FOUNDRY INDUSTRY LOW RISK WASTE LANDFILLS

Section 817.401 Scope and Applicability

The standards of this Subpart, along with 35 Ill. Adm. Code 811.Subpart A, shall apply to all new landfills in which steel and foundry industry low risk wastes are to be placed.

Section 817.402 Facility Location

a) No part of a unit shall be located within a setback zone established pursuant to Section 14.2 or 14.3 of the Environmental Protection Act (Act) (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 1014.1 and 1014.3).

b) No part of a unit shall be located within the recharge zone or within 366 meters (1200 feet), vertically or horizontally, of a sole-source aquifer designated by the United States Environmental Protection Agency pursuant to Section 1424(e) of the Safe Drinking Water Act (42 U.S.C. 300h-3(e)) unless there is a stratum between the bottom of the waste disposal unit and the top of the aquifer that meets the following minimum requirements:

1) The stratum has a minimum thickness of 15.2 meters (50 feet);

2) The maximum hydraulic conductivity in both the horizontal and vertical directions is no greater than $1x10^{-7}$ centimeters per second, as determinedby in situ borehole or equivalent tests;

3) There is no indication of continuous sand or silt seams, faults, fractures or cracks within the stratum that may provide paths for migration; and

4) Age dating of extracted water samples from both the aquifer and the stratum indicates that the time of travel for water percolating downward through the relatively impermeable stratum is no faster than 15.2 meters (50 feet) in 100 years.

c) A facility located within 152 meters (500 feet) of the right of way of a township or county road or state or interstate highway shall have its operations screened from view by a barrier of natural objects, fences, barricades, or plants no less than 2.44 meters (8 feet) in height.

d) No part of a unit shall be located closer than 152 meters (500 feet) from an occupied dwelling, school, or hospital that was occupied on the date when the operator first applied for a permit to develop the unit or the facility containing the unit, unless the owner of such dwelling, school, or hospital provides permission to the operator, in writing, for a closer distance.

Section 817.403 Design Period

The design period for low risk waste disposal units shall be the estimated operating life plus 20 years.

Section 817.404 Foundation and Mass Stability Analysis

a) The material beneath the unit shall have sufficient strength to support the weight of the unit during all phases of construction and operation. The loads and loading rate shall not cause or contribute to the failure of the liner.

b) The total settlement or swell of the foundation shall not cause or contribute to the failure of the liner.

c) The solid waste disposal unit shall be designed to achieve a safety factor against bearing capacity failure of at least: 2.0 under static conditions and 1.5 under seismic loadings.

d) The waste disposal unit shall be designed to achieve a factor of safety against slope failure of at least: 1.5 for static conditions and 1.3 under seismic conditions.

e) In calculating factors of safety, both long term (in tens of hundreds of years) and short term (over the design period of the facility) conditions expected at the facility shall be considered.

f) The potential for earthquake or blast induced liquefaction, and its effect on the stability and

integrity of the unit shall be considered and taken into account in the design. The potential for landslides or earthquake induced liquefaction outside the unit shall be considered if such events could affect the unit.

Section 817.405 Foundation Construction

a) If the in situ material provides insufficient strength to meet the requirement of Section 817.404, then the insufficient material shall be removed and replaced with clean materials sufficient to meet the requirements of Section 817.404.

b) All trees, stumps, roots, boulders and debris shall be removed.

c) All material shall be compacted to achieve the strength and density properties necessary to demonstrate compliance with this Part in conformance with a construction quality assurance plan pursuant to 35 Ill. Adm. Code 811.Subpart E.

d) Placement of frozen soil onto frozen ground is prohibited.

e) The foundation shall be constructed and graded to provide a smooth, workable surface on which to construct the liner.

Section 817.406 Liner Systems

a) All units shall be equipped with a compacted earth liner designed in compliance with the requirements of this Section.

b) The liner shall be stable during all phases on construction and operation. The side slopes shall achieve a minimum static safety factor of 1.3 and a minimum seismic safety factor of 1.0 at all times.

c) The liner shall be designed to function for the entire design period.

d) Compacted Earth Liner Standards

1) The minimum allowable thickness shall be 0.76 meters (2.5 feet).

2) The liner shall be compacted to achieve a maximum hydraulic conductivity of $1x10^{-7}$ centimeters per second.

3) The construction and compaction of the liner shall be carried out in accordance with the construction quality assurance procedures of 35 Ill. Adm. Code 811.Subpart E so as to reduce void spaces and allow the liner to support the loadings imposed by the waste disposal operation without settling that causes or contributes to the failure of the leachate collection system.

4) The liner shall be constructed from materials whose properties are not affected by contact with the constituents of the leachate expected to be produced.

e) Slurry Trenches and Cutoff Walls Used to Prevent Migration of Leachate

1) Slurry trenches and cutoff walls built to contain leachate migration shall be used only in conjunction with a compacted earth liner meeting the requirements of subsection (d) or as part of a remedial action required by 35 Ill. Adm. Code 811.319.

2) Slurry trenches and cutoff walls shall extend into the bottom confining layer to a depth that will establish and maintain a continuous hydraulic connection and prevent seepage.

3) Exploration borings shall be drilled along the route of the slurry trench or cutoff wall to confirm the depth to the confining layer. In situ tests shall be conducted to determine the hydraulic conductivity of the confining layer.

4) Slurry trenches and cutoff walls shall be stable under all conditions during the design period of the facility. They shall not be susceptible to displacement or erosion under stress or hydraulic gradient.

5) Slurry trenches and cutoff walls shall be constructed in conformance to a construction

quality assurance plan, pursuant to 35 Ill. Adm. Code 811.Subpart E, that insures that all material and construction methods meet design specifications.

f) The owner or operator may utilize liner configurations other than those specified in this Section, special construction techniques, and admixtures, provided that:

1) The alternative technology or material provides equivalent, or superior, performance to the requirements of this Section;

2) The technology or material has been successfully utilized in at least one application or pilot facility similar to the proposed application; and

3) Methods for manufacturing quality control and construction quality assurance can be implemented.

Section 817.407 Final Cover System

a) The unit shall be covered by a final cover consisting of a low permeability layer overlain by a final protective layer constructed in accordance with the requirements of this Section.

b) Standards for the Low Permeability Layer

1) Construction of a low permeability layer shall begin not later than 60 days after placement of the final lift of solid waste.

2) The low permeability layer shall cover the entire unit and connect with the liner system.

3) The low permeability layer shall consist of any one of the following:

A) A compacted earth layer constructed in accordance with the following standards:

i) The minimum allowable thickness shall be 0.46 meters (1.5 feet); and

ii) The layer shall be compacted to achieve a permeability of $1x10^{-7}$ centimeters per second and minimize void spaces; or

iii) Alternative specifications may be utilized provided that the performance of the low permeability layer is equal to or superior to the performance of a layer meeting the requirements of subsections (b)(3)(A)(i) and (b)(3)(A)(ii).

B) A geomembrane constructed in accordance with the following standards:

i) The geomembrane shall provide performance equal or superior to the compacted earth layer described in subsection (b)(3)(A);

ii) The geomembrane shall have strength to withstand the normal stresses imposed by the waste stabilization process; and

iii) The geomembrane shall be placed over a prepared base free from sharp objects and other materials which may cause damage.

C) Any other low permeability layer construction techniques or materials, provided that they provide equivalent or superior performance to the requirements of this subsection.

c) Standards for the Final Protective Layer

1) The final protective layer shall cover the entire low permeability layer.

2) The thickness of the final protective layer shall be sufficient to protect the low permeability layer from freezing and minimize root penetration of the low permeability layer, but shall not be less than 0.46 meter (1.5 feet).

3) The final protective layer shall consist of soil material capable of supporting vegetation.

4) The final protective layer shall be placed as soon as possible after placement of the low permeability

layer to prevent desiccation, cracking, freezing or other damage to the low permeability layer.

Section 817.408 Hydrogeologic Site Investigations

a) Purpose

The operator shall conduct a hydrogeologic investigation to develop hydrogeologic information for the following uses:

1) Provide information to perform a groundwater impact assessment; and

2) Provide information to establish a groundwater monitoring system.

b) General Requirements

1) The investigation shall be conducted in a minimum of three phases prior to submission of any application to the Agency for a permit to develop and operate a landfill facility.

2) The study area shall consist of the entire area occupied by the facility and any adjacent areas; if necessary for the purpose of the hydrogeological investigation set forth in subsection (a).

3) All borings shall be sampled continuously at all recognizable points of geologic variation, except that where continuous sampling is impossible or where non-continuous sampling can provide equivalent information, samples shall be obtained at intervals no greater than 1.52 meters (5 feet) in homogeneous strata.

c) Minimum Requirements for a Phase I Investigation

1) The operator shall conduct a Phase I Investigation to develop the following information:

A) Climatic aspects of the study area;

B) The regional and study area geologic settings, including a description of the geomorphology and stratigraphy of the area;

C) The regional groundwater regime including water table depths and aquifer characteristics; and

D) Information for the purpose of designing a Phase II Hydrogeologic Investigation.

2) Specific Requirements

A) The regional hydrogeologic setting of the unit shall be established by using material available from all possible sources, including, but not limited to, the Illinois Scientific Surveys, the Agency, other State and Federal organizations, water well drilling logs, and previous investigations.

B) A minimum of one continuously sampled boring shall be drilled on the site, as close as feasible to the geographic center, to determine if the available regional hydrogeologic setting information is accurate and to characterize the site-specific hydrogeology to the extend specified by this phase of the investigation. The boring shall extend at least 15.2 meters (50 feet) below the bottom of the uppermost aquifer or through the full depth of the confining layer below the uppermost aquifer, or to bedrock, if the bedrock is below the upper most aquifer, whichever elevation is higher. The locations of any additional borings, required under this subsection, may be chosen by the investigator, but shall be sampled continuously.

d) Minimum Requirements for a Phase II Investigation

1) Information to be developed

Using the information developed in the Phase I survey, a Phase II study shall be conducted to collect the site-specific information listed below as needed to augment data collected during the Phase I Investigation and to prepare for the Phase III Investigation:

A) Structural characteristics and distribution of underlying strata including bedrock;

B) Chemical and physical properties including, but not limited to, lithology, mineralogy, and hydraulic characteristics of underlying strata including those below the uppermost aquifer;

C) Soil characteristics, including soil types, distribution, geochemical and geophysical characteristics;

D) The hydraulic conductivities of the uppermost aquifer and all strata above it;

E) The vertical extent of the uppermost aquifer;

F) The direction and rate of groundwater flow.

2) Specific Requirements

A) One boring shall be located as close as feasible to the topographical high point, and another shall be located as close as feasible to the topographical low point of the study area.

B) At least one boring shall be at or near each corner of the site. Where the property is irregularly shaped the borings shall be located near the boundary in a pattern and spacing necessary to obtain data over the entire study area.

C) Additional borings may be located at intermediate points at locations and spacings necessary to establish the continuity of the stratigraphic units.

D) Piezometers and groundwater monitoring wells shall be established to determine the direction and flow characteristics of the groundwater in all strata and extending down to the bottom of the uppermost aquifer. Groundwater samples taken from such monitoring wells shall be used to develop preliminary information needed for establishing background

concentrations in accordance with subsection (e)(1)(G).

E) Other methods may be utilized to confirm or accumulate additional information. Such methods may be used only as a supplement to, not in lieu of, site-specific boring information. Other methods include, but are not limited to, geophysical well logs, geophysical surveys, aerial photography, age dating, and test pits.

e) Minimum Standards for a Phase III Investigation

1) Using the information developed during the Phase I and Phase II Investigations, the operator shall conduct a Phase III Investigation. This investigation shall be conducted to collect or augment the site-specific information needed to carry out the following:

A) Verification and reconciliation of the information collected in the Phase I and II Investigations;

B) Characterization of potential pathways for contaminant migration;

C) Correlation of stratigraphic units between borings;

D) Continuity of petrographic features including, but not limited to, sorting, grain size distribution, cementation and hydraulic conductivity;

E) Identification of zones of potentially high hydraulic conductivity;

F) Identification of the confining layer, if present;

G) Concentrations of chemical constituents present in the groundwater and expected to appear in the leachate below the unit, down to the bottom of the uppermost aquifer, using a broad range of chemical analysis and detection

procedures such as, gas chromatographic and mass spectrometric scanning. However, additional measurements and procedures shall be carried out to establish background concentrations, in accordance with 35 Ill. Adm. Code 811.320(d), for:

(i) Any constituent for which there is a public or food processing water supply standard at 35 Ill. Adm. Code 302 established by the Board and which is expected to appear in the leachate; and

ii) Any other constituent for which there is no Board-established standard, but which is expected to appear in the leachate at concentrations above PQL, as defined in 35 Ill. Adm. Code 811.319(a)(4) for that constituent.

H) Characterization of the seasonal and temporal, naturally and artificially induced, variations in groundwater quality and groundwater flow;

I) Identification of unusual or unpredicted geologic features, including: fault zones, fractures traces, facies changes, solution channels, buried stream deposits, cross cutting structures and other geologic features that may affect the ability of the operator to monitor the groundwater or predict the impact of the disposal facility on groundwater.

2) In addition to the specific requirements applicable to Phase I and II Investigations, the operator shall collect information needed to meet the minimum standards of a Phase III Investigation by using methods that may include, but not be limited to, excavation to test pits, additional borings located at intermediate points between boreholes placed during Phase I and II Investigations, placement of piezometers and monitoring wells, and institution of procedures for sampling and analysis.

f) The operator may conduct the hydrogeologic investigation in any number of alternative ways provided that the

necessary information is collected in a systematic sequence consisting of at least three phases that is equal to or superior to the investigation procedures of this Section.

Section 817.409 Plugging and Sealing of Drill Holes

All drill holes, including exploration borings that are not converted into monitoring wells, monitoring wells that are no longer necessary to the operation of the site, and other holes that may cause or facilitate contamination of groundwater shall be sealed in accordance with the following standards:

a) If not sealed or plugged immediately, the drill hole shall be covered to prevent injury to people or animals.

b) All drill holes no longer intended for use shall be back-filled with materials that are compatible with the geochemistry of the site and with the leachate in sufficient quantities and in such a way as to prevent the creation of a pathway for contaminants to migrate.

c) For drill holes in gravels and other permeable strata where a watertight seal is not necessary to prevent the creation of pathway, drill cuttings and other earthen materials may be utilized as backfill.

d) All excess drilling mud, oil, drill cuttings, and any other contaminated materials uncovered during or created by drilling shall be disposed of in accordance with the requirements of 35 Ill. Adm. Code 700 through 749, 807, and 809 through 815.

e) The operator shall restore the area around the drill hole to its original condition.

Section 817.410 Groundwater Impact Assessment

This impacts of the leachate seepage of leachate from the unit shall be assessed in a systematic fashion using the techniques described in this Section.

a) Procedures for Performing the Groundwater Impact Assessment

1) The operator shall estimate the amount of seepage from the unit during operations which assume:

A) That the minimum design standards for slope configuration, cover, liner, leachate drainage and collection system apply; and

B) That the actual design standards planned for the unit apply. Other designs for the unit may be used if determined by the operator to be appropriate to demonstrate the impacts to groundwater.

2) The concentration of constituents in the leachate shall be determined from actual leachate samples from the waste or similar waste, or laboratory derived extracts.

Section 817.411 Design, Construction and Operations of Groundwater Monitoring Systems

a) All potential sources of discharges to groundwater within the facility, including, but not limited to, all waste disposal units, shall be identified and studied through a network of monitoring wells operated during the active life of the unit and for the time after closure specified in accordance with Section 817.412. Monitoring wells designed and constructed as part of the monitoring network shall be maintained along with records that include, but are not limited to, exact well location, well size, type of well, the design and construction practice used in its installation and well and screen depths.

b) Standards for the Location of Monitoring Points

1) A network of monitoring points shall be established at sufficient locations downgradient with respect to groundwater flow, and not excluding the downward direction, to detect any discharge of contaminants from any part of a potential source of discharge.

2) Monitoring wells shall be located in stratigraphic horizons that could serve as contaminant migration pathways.

3) Monitoring wells shall be established as close to the potential source of discharge as possible without interfering with the waste disposal operations, and within half the distance from the

edge of the potential source of discharge to the edge of the zone of attenuation downgradient, with respect to groundwater flow, from the source.

4) The network of monitoring points of several potential sources of discharge within a single facility may be combined into a single monitoring network, provided that discharges from any part of all potential sources can be detected.

5) A minimum of at least one monitoring well shall be established at the edge of the zone of attenuation and shall be located downgradient with respect to groundwater flow and not excluding the downward direction, from the unit. Such well or wells shall be used to monitor any statistically significant increase in the concentration of any constituent, in accordance with Section 817.413(e) and shall be used for determining compliance with an applicable groundwater quality standard of Section 817.413. An observed statistically significant increase above the applicable groundwater quality standards of Section 817.413 in a well located at or beyond the compliance boundary shall constitute a violation.

c) Maximum Allowable Predicted Concentrations

The operator shall use the same calculation methods, data, and assumptions as used in the groundwater impact assessment to predict the concentration over time and space of all constituents chosen to be monitored in accordance with Section 817.412 at all monitoring points. The predicted values shall be used to establish the maximum allowable predicted concentrations (MAPCs) at each monitoring point. The MAPCs calculated in this subsection shall be applicable within the zone of attenuation.

d) Standards for Monitoring Well Design and Construction

1) All monitoring wells shall be cased in a manner that maintains the integrity of the borehole. The casing material shall be inert so as not to affect the water sample. Casing requiring solvent-cement type coupling shall not be used.

2) Wells shall be screened to allow sampling only at the desired interval. Annular space between the borehole wall and well screen section shall be packed with gravel sized to avoid clogging by the material in the zone being monitored. The slot size of the screen shall be designed to minimize clogging. Screens shall be fabricated from material expected to be inert with respect to the constituents of the groundwater to be sampled.

3) Annular space above the well screen section shall be sealed with a relatively impermeable, expandable material such as a cement/bentonite grout, which does not react with or in any way affect the sample, in order to prevent contamination of samples and groundwater and avoid interconnections. The seal shall extend to the highest known seasonal groundwater level.

4) The annular space shall be back-filled with expanding cement grout from an elevation below the frost line and mounded above the surface and sloped away from the casing so as to divert surface water away.

5) The annular space between the upper and lower seals and in the unsaturated zone may be back filled with uncontaminated cuttings.

6) All wells shall be covered with vented caps and equipped with devices to protect against tampering and damage.

7) All wells shall be developed to allow free entry of water, minimize turbidity of the sample, and minimize clogging.

8) The transmissivity of the zone surrounding all well screens shall be established by field testing techniques.

9) Other sampling methods and well construction techniques may be utilized if they provide equal or superior performance to the requirements of this subsection.

e) Standards for Sample Collection and Analysis

1) The groundwater monitoring program shall include consistent sampling and analysis procedures to assure that monitoring results can be relied upon to provide data representative of groundwater quality in the zone being monitored.

2) The operator shall utilize procedures and techniques to insure that collected samples are representative of the zone being monitored and that prevent cross contamination of samples from other monitoring wells or from other samples. At least 95 percent of a collected sample shall consist of groundwater from the zone being monitored.

3) The operator shall establish a quality assurance program that provides quantitative detection limits and the degree of error for analysis of each chemical constituent.

4) The operator shall establish a sample preservation and shipment procedure that maintains the reliability of the sample collected for analysis.

5) The operator shall institute a chain of custody procedure to prevent tampering and contamination of the collected samples prior to completion of analysis.

6) At a minimum, the operator shall sample the following parameters at all wells at the time of sample collection and immediately before filtering and preserving samples for shipment:

A) The elevation of the water table;

B) The depth of the well below ground;

C) pH;

D) The temperature of the sample; and

E) Specific Conductance.

Section 817.412 Groundwater Monitoring Programs

a) Detection Monitoring Program

Any use of the term "maximum allowable predicted concentration" in this Section is a reference to Section 817.411(c). The operator shall implement a detection monitoring program in accordance with the following requirements;

1) Monitoring Schedule and Frequency

A) The monitoring period shall begin as soon as waste is placed into the unit of a new landfill or within one year of the effective date of this Part for an existing landfill. Monitoring shall continue for a minimum period of 15 years after closure. The operator shall sample all monitoring points for all potential sources of contamination on a quarterly basis except as specified in subsection (a)(3) or may institute more frequent sampling throughout the time the source constitutes a threat to groundwater. For the purposes of this Section, the source shall be considered a threat to groundwater, if the results of the monitoring indicate that the concentrations of any of the constituent monitored within the zone of attenuation are above the MAPC for that constituent.

B) Beginning 15 years after closure of the unit, or five years after all other potential sources of discharge no loner constitute a threat to groundwater, as defined in subsection (a)(1)(A), the monitoring frequency may change on a well by well basis to an annual schedule if either of the following conditions exist. However, monitoring shall return to a quarterly schedule at any well where a statistically significant increase is determined to have occurred in accordance with Section 817.413(e), in the concentration of any constituent with respect to the previous sample.

i) All constituents monitored within the zone of attenuation have returned to a concentration less than or equal to ten percent of the maximum allowable predicted concentration; or

ii) All constituents monitored within the zone of attenuation are less than or equal to their MAPC for eight consecutive quarters.

C) Monitoring shall be continued for a minimum period of five years after closure or, in the case of landfills, other than those used exclusively for disposing waste generated at the site, a minimum period of 15 years after closure. Monitoring, beyond the minimum period, may be discontinued under the following conditions:

i) No statistically significant increase is detected in the concentration of any constituent above that measured and recorded during the immediately preceding scheduled sampling for three consecutive years, after changing to an annual monitoring frequency; or

ii) Immediately after contaminated leachate is no longer generated by the unit.

2) Criteria for Choosing Constituents to be Monitored

A) The operator shall monitor each well for constituents that will provide a means for detecting groundwater contamination. Constituents shall be chosen for monitoring if they meet the following requirements:

i) The constituent appears in, or is expected to be in, the leachate; and

ii) The Illinois Pollution Control Board (Board) has established for the constituent a public or food processing water supply standard, at 35 Ill. Adm. Code 302, the Board has established a groundwater quality standard under the Illinois Groundwater Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 7451 et seq.), or the constituent may otherwise cause or contribute to groundwater contamination.

B) One or more indicator constituents, representative of the transport processes of constituents in the leachate, may be chosen for monitoring in place of the constituents it represents. The use of such indicator constituents must be included in an Illinois Environmental Protection Agency (Agency) approved permit.

3) Confirmation of Monitored Increase

A) The confirmation procedures of this Section shall be used only if the concentrations of the constituents monitored can be measured at or above the practical quantitation limit (PQL). The PQL is defined as the lowest concentration that can be reliably measured within specified limits of precision and accuracy under routine laboratory operating conditions. The operator shall institute the confirmation procedures of subsection (a)(4)(B) after notifying the Agency in writing, within ten days, of the following observed increases:

i) The concentration of any constituent monitored in accordance with subsection (a)(1) and (a)(2) shows a progressive increase over four consecutive quarters;

ii) The concentration of any constituent exceeds the maximum allowable predicted concentration at an established monitoring point within the zone of attenuation;

iii) The concentration of any constituent monitored in accordance with subsection (a)(3) exceeds the preceding measured concentration at any established monitoring point; and

iv) The concentration of any constituent monitored at or beyond the zone of attenuation exceeds the applicable groundwater quality standards of Section 817.413.

B) The confirmation procedures shall include the following:

i) The operator shall verify any observed increase by taking additional samples within 45 days of the initial observation and ensure that the samples and sampling protocol used will detect any statistically significant increase in the concentration of the suspect constituent in accordance with subsection 817.413(e), so as to confirm the observed increase. The operator shall notify the Agency of any confirmed increase before the end of the next business day following the confirmation;

ii) The operator shall determine the source of any confirmed increase, which may include, but shall not be limited to, natural phenomena, sampling or analysis errors, or an off-site source; and

iii) The operator shall notify the Agency in writing of any confirmed increase and state the source of the confirmed increase and provide the rationale used in such a determination within ten days of the determination.

b) Assessment Monitoring

The operator shall begin an assessment monitoring program in order to confirm the source of the contamination and to provide information needed to carry out a groundwater impact assessment in accordance with subsection (c). The assessment monitoring program shall be conducted in accordance with the following requirements:

1) The assessment monitoring shall be conducted to collect information to assess the nature and extent of groundwater contamination, which shall consist of, but not be limited to, the following steps:

A) More frequent sampling of the wells in which the observation occurred;

B) More frequent sampling of any surrounding wells;

C) The placement of additional monitoring wells to determine the source and extent of the contamination;

D) Monitoring of additional constituents that might indicate the source and extent of contamination; and

E) Any other investigative techniques that will assist in determining the nature and extent of the contamination.

2) The operator of the facility for which assessment monitoring is required shall file the plans for an assessment monitoring program with the Agency. If the facility is permitted by the Agency, then the plans shall be filed for review as a significant permit modification pursuant to 35 Ill. Adm. Code 813.Subpart B. The assessment monitoring program shall be implemented within 90 days of confirmation of any monitored increase in accordance with subsection (a)(4) or, in the case of permitted facilities, within 90 days of the Agency approval.

3) If the analysis of the assessment monitoring data shows that the concentration of one or more constituents, monitored at or beyond the zone of attenuation is above the applicable groundwater quality standards of Section 817.413 and is attributable to the solid waste disposal facility, then the operator shall determine the nature and extent of the groundwater contamination including an assessment of the potential impact on the groundwater should waste continue to be accepted at the facility and shall implement remedial action in accordance with subsection (d).

4) If the analysis of the assessment monitoring data shows that the concentration of one or more constituents is attributable to the solid waste disposal facility and exceeds the maximum allowable predicted concentration within the zone of attenuation, then the operator shall conduct a

groundwater impact assessment in accordance with the requirements of subsection (c).

c) Assessment of Potential Groundwater Impact

An operator required to conduct a groundwater impact assessment in accordance with subsection (b)(4) shall assess the potential impacts outside the zone of attenuation that may result from confirmed increases above the MAPC within the zone of attenuation, attributable to the facility, in order to determine if there is need for remedial action. In addition to the requirements of 35 Ill. Adm. Code 811.317, the following shall apply:

1) The operator shall utilize any new information developed since the initial assessment and information from the detection and assessment monitoring programs and such information may be used for the recalibration of the GCT model; and

2) The operator shall submit the groundwater impact assessment and any proposed remedial action plans determined necessary pursuant to subsection (d) to the Agency within 180 days of the start of the assessment monitoring program.

d) Remedial Action

1) The operator shall submit plans for the remedial action to the Agency. Such plans and all supporting information including data collected during the assessment monitoring shall be submitted within 90 day of determination of either of the following:

A) The groundwater impact assessment performed in accordance with subsection (c) indicates that remedial action is needed; or

B) Any confirmed increase above the applicable groundwater quality standards of Section 817.413 is determined to be attributable to the solid waste disposal facility in accordance with subsection (b).

2) If the facility has been issued a permit by the Agency, then the operator shall submit this information as an application for significant modification to the permit.

3) The operator shall implement the plan for remedial action within 90 days of the following:

A) Completion of the groundwater impact assessment under subsection (c) that requires remedial action;

B) Establishing that a violation of an applicable groundwater quality standard of Section 817.413 is attributable to the solid waste disposal facility in accordance with subsection (b)(3); or

C) Agency approval of the remedial action plan, where the facility has been permitted by the Agency.

4) The remedial action program shall consist of one or a combination of one or more of the following solutions:

A) Retrofit additional groundwater protective measures within the unit;

B) Construct an additional hydraulic barrier, such as a cutoff wall or slurry wall system;

C) Pump and treat the contaminated groundwater; or

D) Any other equivalent technique which will prevent further contamination of groundwater.

5) Termination of the Remedial Action Program

A) The remedial action program shall continue in accordance with the plan until monitoring shows that the concentrations of all monitored constituents are below the MAPC within the zone of attenuation, and below the applicable groundwater quality standards of Section

817.413 at or beyond the zone of attenuation, over a period of four consecutive quarters.

B) The operator shall submit to the Agency all information collected under the subsection (d)(5)(A). If the facility is permitted then the operator shall submit this information as significant modification of the permit.

Section 817.413 Groundwater Quality Standards

a) Applicable Groundwater Quality Standards

1) Groundwater quality shall be maintained at each constituent's background concentration, at or beyond the zone of attenuation. The applicable groundwater quality standard established for any constituent shall be:

A) The background concentration; or

B) The Board established standard adjusted by the Board in accordance with the justification procedure of subsection (b).

2) Any statistically significant increase above an applicable groundwater quality standard established pursuant to subsection (a) that is attributable to the facility and which occurs at or beyond the zone of attenuation within 100 years after closure of the last unit accepting waste within such a facility shall constitute a violation.

3) For the purposes of this Part:

A) "Background concentration" means that concentration of a constituent that is established as the background in accordance with subsection (d); and

B) "Board established standard" is the concentration of a constituent adopted by the Board as a standard for public and food processing water supplies under 35 Ill. Adm. Code 302 or as a groundwater quality standard adopted by the Board pursuant to Section 14.4 of the Act or Section 8 of the Illinois

Groundwater Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 7458), whichever is lower.

b) Justification for Adjusted Groundwater Quality Standards

1) An operator may petition the Board for an adjusted groundwater quality standard in accordance with the procedures specified in Section 28.1 of the Act and 35 Ill. Adm. Code 106.410 through 106.416;

2) For groundwater which contains naturally occurring constituents which meet the requirements of 35 Ill. Adm. Code 302.301, 302.304 and 302.305, the Board will specify adjusted groundwater quality standards no greater than those of 35 Ill. Adm. Code 302.301, 302.304, and 302.305, upon a demonstration by the generator that:

A) The change in standards will not interfere with, or become injurious to, any present or potential beneficial uses for such waters;

B) The change in standards is necessary for economic or social development by providing information including, but not limited to, the impacts of the standards on the regional economy, social disbenefits such as loss of jobs or closing of landfills and economic analysis contrasting the health and environmental benefits with costs likely to be incurred in meeting the standards; and

C) All technically feasible and economically reasonable methods are being used to prevent the degradation of the groundwater quality.

3) For groundwater which contains naturally occurring constituents which do not meet the standards of 35 Ill. Adm. Code 302.301, 302.304, and 302.305, the Board will specify adjusted groundwater quality standards, upon a demonstration by the operator that:

A) The groundwater does not presently serve as a source of drinking water;

B) The change in standards will not interfere with, or become injurious to, any present or potential beneficial uses for such waters;

C) The change in standards is necessary for economic or social development, by providing information including, but not limited to, the impacts of the standards on the regional economy, social disbenefits such as loss of jobs or closing of landfills, and economic analysis contrasting the health and environmental benefits with costs likely to be incurred in meeting the standards; and

D) The groundwater cannot presently, and will not in the future, serve as a source of drinking water because:

i) It is impossible to remove water in usable quantities;

ii) The groundwater is situated at a depth or location such that recovery of water for drinking purposes is not technologically feasible or economically reasonable;

iii) The groundwater is so contaminated that it would be economically or technologically impractical to render that water fit for human consumption;

iv) The total dissolved solids content of the groundwater is more than 3,000 mg/l and that the water will not be used to serve a public water supply system; or

v) The total dissolved solids content of the groundwater exceeds 10,000 mg/l.

c) Determination of the Zone of Attenuation

1) The zone of attenuation, within which concentrations of constituents in leachate discharged from the unit may exceed the applicable groundwater quality standard of this Section, is a volume bounded by a vertical plane at the property boundary or 100 feet from the edge of the unit,

whichever is less, extending from the ground surface to the bottom of the uppermost aquifer and excluding the volume occupied by the waste.

2) Zones of attenuation shall not extend to the annual high water mark of navigable surface waters.

3) Overlapping zones of attenuation from units within a single facility may be combined into a single zone for the purposes of establishing a monitoring network.

d) Establishment of Background Concentrations

1) The initial monitoring to determine background concentrations shall commence during the hydrogeological assessment required by Section 817.408. The background concentrations for those parameters identified in 35 Ill. Adm. Code 811.308(e)(1)(G) and 817.412(a)(2) and (a)(3) shall be established based on quarterly sampling of wells for one year, monitored in accordance with the requirements of subsections (d)(2), (d)(3) and (d)(4), which may be adjusted during the operation of a facility. Statistical tests and procedures shall be employed, in accordance with subsection (e), depending on the number, type and frequency of samples collected from the wells, to establish the background concentrations. Adjustments to the background concentrations shall be made only if changes in the concentrations of constituents observed in upgradient wells over time are determined, in accordance with subsection (3), to be statistically significant. Background concentrations determined in accordance with this subsection shall be used for the purposes of establishing groundwater quality standards, in accordance with subsection (a). The operator shall prepare a list of background concentrations established in accordance with this subsection. The operator shall maintain such a list at the facility, shall submit a copy of the list to the Agency for establishing standards in accordance with subsection (a), and shall provide updates to the list within ten days of any change to the list.

2) A network of monitoring wells shall be established upgradient from the unit, with respect to groundwater flow, in accordance with the following standards, in order to determine the background concentrations of constituents in the groundwater:

A) The wells shall be located at such a distance that discharges of contaminants from the unit will not be detectable;

B) The wells shall be sampled at the same frequency as other monitoring points to provide continuous background concentration data, throughout the monitoring period; and

C) The wells shall be located at several depths to provide data on the spatial variability.

3) A determination of background concentrations may include the sampling of wells that are not hydraulicially upgradient of the waste unit where:

A) Hydrogeologic conditions do not allow the owner or operator to determine what wells are hydraulically upgradient of the waste; and

B) Sampling at other wells will provide an indication of background concentrations that is representative of that which would have been provided by upgradient wells.

4) If background concentrations cannot be determined on site, then alternative background concentrations may be determined from actual monitoring data from the aquifer of concern, which includes, but is not limited to, data from another landfill site that overlies the same aquifer.

e) Statistical Analysis of Groundwater Monitoring Data

1) Statistical tests shall be used to analyze groundwater monitoring data. One or more of the normal theory statistical tests listed in subsection (e)(4) shall be chosen first for analyzing the data set or transformation of the data set. Where such normal theory tests are demonstrated to be inappropriate, tests listed in

subsection (e)(5) or a test in accordance with subsection (e)(6) shall be used. Any statistical test chosen from subsections (e)(4) or (e)(5), the level of significance (Type 1 error level) shall be no less than 0.01 for individual well comparisons, and no less than 0.05 for multiple well comparisons. The statistical analysis shall include, but not be limited to, the accounting of data below, the detection limit of the analytical method used, the establishment of background concentrations and the determination of whether statistically significant changes have occurred in:

A) The concentration of any chemical constituent with respect to the background concentration or maximum allowable predicted concentration; and

B) The established background concentration of any chemical constituents over time.

2) The statistical test or tests used shall be based upon the sampling and collection protocol of Sections 817.411 and 817.412.

3) Monitored data that are below the level of detection shall be reported as not detected (ND). The level of detection for each constituent shall be the minimum concentration of that constituent which can be measured and reported with 99 percent confidence that the true value is greater than zero, which is defined as the method detection limit (MDL). The following procedures shall be used to analyze such data, unless an alternative procedure in accordance with subsection (e)(6) is shown to be applicable:

A) Where the percentage of nondetects in the data base used is less than 15 percent, the operator shall replace NDs with the MDL divided by two, then proceed with the use of one or more of the Normal Theory statistical tests listed in subsection (e)(4);

B) Where the percentage of nondetected in the data base or data transformations used is between 15 and 50 percent, and the data are

normally distributed, the operator shall use Cohen's adjustment to the sample mean and standard deviation, followed by one or more of the tests listed in subsection (e)(4)(C). However, where data are not normally distributed, the operator shall use an applicable nonparametric test from subsection (e)(5);

C) Where the percentage of nondetects in the database used is above 50 percent, then the owner or operator shall use the test of proportions listed in subsection (e)(4).

4) Normal theory statistical tests:

A) Student t-test including, but not limited to, Cochran's Approximation to the Behren-Fisher (CABF) t-test and Averaged Replicate (AR) t-test.

B) Parametric analysis of variance (ANOVA) followed by one or more of the multiple comparison procedures including, but not limited to, Fisher's Least Significant Difference (LSD), Student Newman-Kuel procedure, Duncan's New Multiple Range Test and Tukey's W procedure.

C) Control Charts, Prediction Intervals and Tolerance Intervals, for which the Type I error levels shall be specified by the Agency in accordance with the requirements of 35 Ill. Adm. Code 724.197(i).

5) Nonparametric statistical tests shall include:

Mann-Whitney U-test, Kruskal-Wallis test, a non-parametric analysis of variance (ANOVA) for multiple comparisons or the Wilcoxon Rank Sum test; and

6) Any other statistical test based on the distribution of the sampling data may be used, if it is demonstrated to meet the requirements of 35 Ill. Adm. Code 724.197(i).

Section 817.414 Waste Placement

a) Phasing of Operations

1) Waste disposal operations shall move from the lowest portions of the unit to the highest portions. Except as provided in subsection (a)(2), the placement of waste shall begin in the lowest part of the active fact of the unit, located in the part of the facility most downgradient with respect to groundwater flow.

2) The operator may dispose of wastes in areas other than those specified in subsection (a)(1) only under any of the following conditions:

A) Climatic conditions, such as wind and precipitation, are such that the placement of waste in the bottom of the unit would cause water pollution, litter, damage to any part of the liner or damage to equipment;

B) The topography of the land surrounding the unit makes the procedure of subsection (a)(1) environmentally unsound, for example, because steep slopes surround the unit;

C) When groundwater monitoring wells, constructed in accordance with the requirements of 35 Ill. Adm. Code 811.319, are placed 50 feet, or less, downgradient from the filled portions of the unit; or

D) Equipment required for placement is temporarily unavailable.

b) Initial Waste Placement

1) An initial layer of waste, a minimum of five feet thick, shall be placed over the entire liner as soon as is practicable after construction, but prior to the onset of weather conditions that may cause the compacted earth liner to freeze.

2) Waste shall not be placed over areas that are subject to freezing conditions until the liner has been inspected, tested, and reconstructed (if

necessary) to meet the requirement of 35 Ill. Adm. Code 811.306.

Section 817.415 Final Slope and Stabilization

a) All final slopes shall be designed and constructed to a grade capable supporting vegetation and which minimizes erosion.

b) All slopes shall be designed to drain runoff away from the cover and which prevents ponding. No standing water shall be allowed anywhere in or on the unit.

c) Vegetation

1) Vegetation shall be promoted on all reconstructed surfaces to minimize wind and water erosion of the final protective cover.

2) Vegetation shall be compatible with the climatic conditions.

3) Vegetation shall require little maintenance.

4) Vegetation shall consist of a diverse mix of native and introduced species that is consistent with the postclosure land use.

5) Vegetation shall be tolerant of the landfill gas expected to be generated.

6) The root depth of the vegetation shall not exceed the depth of the final protective cover system.

7) Temporary erosion control measures including, but not limited to, mulch straw, netting and chemical soil stabilizers, shall be undertaken while vegetation is being established.

d) Structures Constructed Over the Unit

1) Structures constructed over the unit must be compatible with the land use; and

2) Such structures must in no way interfere with the operation of a cover system, leachate collection system or any monitoring system.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

Section 817.416 Load Checking

a) The operator shall not accept wastes for disposal at an offsite low risk waste landfill unless it is accompanied by documentation that such wastes are low risk wastes based on testing of the leachate from such wastes performed in accordance with the requirements of Section 817.102.

b) The operator shall institute and conduct a random load checking program at each low risk waste facility in accordance with the requirements of 35 Ill. Adm. Code 811.323 except that this program shall also be designed:

1) to detect and discourage attempts to dispose non-low risk wastes at the landfill;

2) to require the facility's inspector examine at least one random load of solid waste delivered to the landfill on a random day each week; and

3) to require the operator to test one randomly selected waste sample in accordance with Section 817.102(a) and (b) to determine if the waste is low risk.

b) The operator shall include the results of the load checking in the Annual Report submitted to the Agency in accordance with 35 Ill. Adm. Code 815.Subpart C for non-permitted facilities.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

1) Heading of the Part: The Illinois Landscape Architecture Act of 1989

2) Code Citation: 68 Ill. Adm. Code 1275

3)

Section Numbers:	Proposed Action:
1275.10	New Section
1275.20	New Section
1275.30	New Section
1275.40	New Section
1275.50	New Section
1275.60	New Section
1275.70	New Section
1275.90	New Section

4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 111, pars. 8106, 8108, 8110, 8111, 8114.

5) A Complete Description of the Subjects and Issues Involved: Section 1275.10 outlines how persons seeking registration under the Act's grandfather provisions can apply. It explains education and experience requirements and tells when the grandfather period expires.

Section 1275.20 lists minimum requirements that shall be met in order for a landscape architecture program to be approved by the Department.

Section 1275.30 tells what constitutes satisfactory experience in the practice of landscape architecture.

Section 1275.40 describes how an applicant for examination shall file an application.

Section 1275.50 states the examination for registration as a landscape architect shall be the Uniform National Examination of the Council of Landscape Architectural Registration Boards (CLARB) and will be administered at least once a year.

Section 1275.60 tells how persons registered as landscape architects outside the State can apply for registration in Illinois by endorsement.

Section 1275.70 sets the first renewal period for registration as August 31, 1993. After that, licenses expire on August 31 of odd numbered years.

Section 1275.90 lists circumstances under which the Director of the Department may grant variances from these rules.

6) Will these proposed Rules replace emergency Rules currently in effect? Yes

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed Rules contain incorporations by reference? No

9) Are there any other proposed Amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Interested Persons may submit written comments and views to:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0800

All comments received within 30 days of this issue of the Illinois Register will be considered. The comments of interested persons who submit a request to comment within 14 days of this issue will be considered if received within 30 days of such request.

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: January 28, 1991

B) Types of small businesses affected: Landscape Architects

C) Reporting, bookkeeping or other procedures required for compliance: Persons seeking registration must file an application with the Department. Renewals every two years.

D) Types of professional skills necessary for compliance: Landscape Architect skills are necessary for registration.

The full text of the Proposed Rules begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1275
THE ILLINOIS LANDSCAPE ARCHITECTURE ACT OF 1989

1275.10 Application for Registration Under Section 11(e) of the Act
1275.20 Approved Programs
1275.30 Experience
1275.40 Application for Examination
1275.50 Examination
1275.60 Endorsement
1275.70 Renewal
1275.90 Granting Variances

AUTHORITY: Implementing The Illinois Landscape Architecture Act of 1989 (P.A. 86-932, effective September 1, 1990) and authorized by Section 60(7) of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 60(7)).

SOURCE: Emergency rules adopted at 15 Ill. Reg. _____, effective _____ for a maximum of 150 days; adopted at 15 Ill. Reg. _____, effective _____.

Section 1275.10 Application for Registration Under Section 11(e) of the Act (Grandfather)

Those persons seeking registration without examination under Section 11(e) of The Illinois Landscape Architecture Act of 1989 (P.A. 86-932, effective September 1, 1990) (the "Act") shall file an application with the Department, on forms provided by the Department of Professional Regulation (the "Department").

a) Such application shall be postmarked no later than midnight September 1, 1992, and shall include the following:

1) Education/Experience

A) Verification, on forms provided by the Department, of 7 years of full-time actual, practical experience in landscape architecture as defined in subsection (b) below and certification of graduation or an official transcript from a college, school or university offering an accredited program in landscape architecture. (For purposes of this Section, accredited programs are those landscape architecture programs accredited by the Landscape Architectural Accreditation Board.); or

B) Verification, on forms provided by the Department, of at least 7 years of full-time actual, practical experience in landscape architectural work as defined in subsection (b) below. At least 4 of those years shall have been immediately prior to September 1, 1990.

2) Verification of landscape architectural experience signed by the employer or three professional references from peers or clients familiar with the applicant's work; and

3) A complete work history; and

4) The required fee set forth in Section 14(a)(1);

5) If the applicant has ever been licensed/registered in another state or territory of the United States, he shall also submit a certification, on forms provided by the Department, from the state or territory of the United States in which he was originally licensed and the state in which the applicant predominantly practices and is currently licensed, or certification by the Council of Landscape Architectural Registration Boards (CLARB), stating:

A) The time during which the applicant was registered in that jurisdiction, including the date of the original issuance of the license;

B) A description of the examination in that jurisdiction;

C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

b) For purposes of this Section, actual, practical experience in landscape architecture is that experience which meets the definition of Landscape Architectural Practice as defined in Section 3(f) of the Act.

c) All experience shall be completed prior to applying for licensure.

d) When the accuracy of any submitted documentation, of the relevance or sufficiency of the course work or experience is questioned by the Department or the Illinois Landscape Architect Registration Board (the "Board") because of discrepancies or conflicts in information, information needing further clarification, and/or missing information, the applicant seeking registration will be requested to:

1) Provide such information as may be necessary; and/or

2) Explain such relevance or sufficiency during an oral interview; or

3) Appear for an interview before the Board when the information available to the Board is insufficient to evaluate the individual's qualifications for licensure.

e) Any applicant who sits for an examination for registration as a Landscape Architect in Illinois shall not be eligible for registration under this Section.

Section 1275.20 Approved Programs

a) The Department of Professional Regulation (the "Department") shall approve a landscape architecture program if it meets the following minimum criteria:

1) The institution is legally recognized and authorized by the jurisdiction in which it is located to confer the landscape architecture degree;

2) Has a faculty which comprises sufficient number of full-time instructors to make certain that the educational obligations to the student are fulfilled. The faculty must have demonstrated competence as evidenced by appropriate degrees in their area(s) of teaching from professional colleges or institutions.

3) Has a designated program director.

4) Has an undergraduate first-professional baccalaureate degree which is at least four academic years in duration and/or has a graduate first-professional master's degree which is at least three academic years in duration.

5) Has a designated title and degree description incorporating the term "Landscape Architecture."

6) Has a curriculum which shall include, but not be limited to, the following:

A) Landscape Architecture History
B) Professional Practice
C) Landscape Design, Planning and Management
D) Design Implementation

7) The Department or Board may require additional information in order to evaluate the program.

b) In determining whether a program should be approved, the Department shall take into consideration, but not be bound by, accreditation or approval by the Landscape Architecture Accreditation Board.

c) The Department has determined that all landscape architecture programs accredited or approved by the Landscape Architecture Accreditation Board as of September 1, 1990, meet the minimum criteria set forth in this Section and are, therefore, approved.

Section 1275.30 Experience

a) Verification, on forms provided by the Department, of two years of professional experience in landscape architecture practice as defined in Section 3(f) of the Act.

b) Satisfactory experience in the practice of landscape architecture shall include, but not be limited to:

1) Work in a landscape architect's office;

2) Teaching landscape architecture in an approved program;

3) Conducting or participating in research in landscape architecture;

4) Work in the office of an architect who is authorized to practice in the jurisdication in which he is located; work in the office of an an engineer who is authorized to practice in the jurisdiction in which he is located; work in a government agency.

c) All experience shall be under the direct supervision of a landscape architect, architect or engineer. Prior to January 1, 1993, an applicant who is self-employed may submit three professional references from peers or clients familiar with the applicant's work.

d) One year of experience credit is defined as full-time employment for 52 weeks with a minimum of 30 hours per week. An applicant may not receive experience credit for overtime.

e) Part-time employment shall be counted as one half week for each 15 hours of employment per week.

f) Employment with one employer of less than two months shall not be counted toward fulfillment of the experience requirement.

g) Experience credit may be acquired only after completion of the third year of a landscape architecture program/curriculum provided however, that no experience credit can be acquired if the individual is receiving educational credit for such experience.

h) At least one year of full-time experience shall be obtained after graduation from an approved program.

i) A master's degree in landscape architecture from an approved program may be accepted in lieu of one year of practical experience.

j) Until January 1, 1993, an applicant shall satisfy one of the following combinations of education and experience:

1) A bachelor's degree in landscape architecture and 2 years of experience; or

2) A bachelor's or master's degree in a landscape architecture related field and 4 years of experience. (A landscape architecture related field is defined as architecture, environmental design, civil engineering, urban design, urban planning and horticulture); or

3) Completion of at least 3 years of educational credits toward a degree in landscape architecture and 5 years of experience; or

4) An associate degree in landscape architecture/design and 6 years of experience; or

5) At least 2 years of education (i.e., courses in landscape architecture/design) as approved by the Board and 6 years of experience.

Section 1275.40 Application for Examination

a) An applicant for examination shall file an application, on forms supplied by the Department, at least 120 days prior to an examination date. The application shall include:

1) Certification of graduation from an approved landscape architecture program as set forth in Section 1275.20 of this Part;

2) Two years of experience as defined in Section 1275.30 of this Part

3) Prior to January 1, 1993, certification of a combination of education and experience required in subsection 1275.30(j) of this Part.

4) A complete work history; and

5) The fee required by Section 14(2) of the Act.

b) Prior to January 1, 1993, the Department shall accept certification from CLARB in lieu of the examination. After that date, the Department will accept CLARB certification verifying passage of the Uniform National Examination (UNE).

c) Any applicant who elects to apply for examination and sits for such examination in Illinois shall not be eligible for registration under the grandfather provisions set forth in Section 1275.10 of this Part.

d) Any person who is registered in Illinois shall not be admitted to an examination. However, in no way shall this limit the Department's ability to require reexamination for restoration or enforcement purposes.

Section 1275.50 Examination

a) The examination for registration as a landscape architect shall be the Uniform National Examination of the Council of Landscape Architectural Registration Boards (CLARB).

b) In order to be successful in the examination, an applicant shall receive a score of 75 or greater in each section.

c) If an applicant fails to pass an examination for registration under the Act within three years after filing the application, the application shall be denied. However, such applicant may thereafter make a new application for examination, accompanied by the required fee, and meet the requirements for registration at the time of application.

d) The examination for licensure of a landscape architect shall be administered at least once a year.

Section 1275.60 Endorsement

a) An applicant for registration as a landscape architect who is registered under the laws of another state or territory of the United States shall file an application with the Department, on forms provided by the Department, which includes:

1) Certification, on forms provided by the Department, of a landscape architecture degree from a program approved by the Department in accordance with Section 1275.20 of this Part, or prior to January 1, 1993 meeting the education/experience requirements set forth in Section 1275.30(j) of this Part;

2) Certification, on forms provided by the Department, of professional experience as set forth in Section 1275.30 of this Part;

3) In lieu of the subsection (a)(1) and (a)(2), the Department shall accept certification from the Council of Landscape Architectural Registration Boards.

4) Certification, on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant predominantly practices and is currently licensed, stating:

A) The time during which the applicant was licensed;

B) Whether the file of the applicant contains any record of any disciplinary actions taken or pending; and

C) Examination(s) taken and examination score(s) received.

5) A complete work history; and

6) The required fee as set forth in Section 14(a)(3) of the Act.

b) The Department may require additional information to determine if the requirements in the state or territory were substantially equivalent to the requirements then in effect in Illinois at the time of application to determine whether the requirements of another state or territory together with education and professional experience qualifications of the applicant are substantially equivalent to the requirements in Illinois at the time of application. The Department, upon recommendation of the Board, shall determine substantial equivalency based on, but not limited to, certification from the CLARB;

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NOTICE OF PROPOSED RULES

education, training, and experience, including, but not limited to, whether he has achieved special honors or awards, has had articles published in professional journals, has written textbooks relating to landscape architecture; and any other attribute which the Director accepts as evidence that such applicant has outstanding and proven ability in landscape architecture. The Department shall either issue a registration by endorsement to the applicant or notify him of the reasons for the denial of his application.

Section 1275.70 Renewal

a) The first renewal period for registration issued under the Act shall be August 31, 1993. Thereafter every license issued under the Act shall expire on August 31 of odd numbered years. The holder of a registration may renew such registration during the month preceding the expiration date thereof by paying the required fee.

b) It is the responsibility of each registrant to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee or to renew one's registration.

Section 1275.90 Granting Variances

a) The Director of the Department may grant variances from these rules in individual cases where he finds that:

1) The provision from which the variance is granted is not statutorily mandated;

2) No party will be injured by the granting of the variance; and

3) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.

b) The Director shall notify the Illinois Landscape Architect Board of the granting of such variance, and the reasons therefor, at the next meeting of the Board.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of Part: Listing of Impairments

2) Code Citation: 89 Ill. Adm. Code 860

3) Section Numbers: 860.20 — Proposed Action: amendment

4) Statutory Authority: Implementing Section 3(a) and authorized by Section 3(k) of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1989, ch. 23, pars. 3434(a) and (k)).

5) A Complete Description of the Subjects and Issues Involved: This rulemaking is being amended to incorporate revised Federal Regulations for the Listing of Impairments.

6) Will proposed amendments replace an emergency rule currently in Effect: No

7) Do these amendments contain an automatic repeal date? ___Yes _X_No
If "yes," please specify the date:

8) Do these proposed amendments contain incorporations by reference? Yes

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: None

11) Time, Place, and Manner in which interested persons may comment on these proposed amendments: All persons who submit a written request to comment within fourteen (14) days after this notice has been published shall be given a reasonable opportunity to submit date, views, argument or comments about these amendments. All such submissions shall be made within forty-five (45) days after this notice has been published. Any comments submitted within forty-five (45) days after this notice has been published will be considered by the Department. All requests and comments should be submitted in writing to:

Ms. Janice Lobb
Regulations and Training Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896
T.D.D.: (217) 782-5734

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NOTICE OF PROPOSED AMENDMENTS

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis: The Department has reviewed these amendments and found that they have no impact on small business.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER g: BUREAU OF DISABILITY DETERMINATION SERVICES

PART 860
LISTING OF IMPAIRMENTS

Section
860.10 Definitions
860.20 Criteria for Listing of Impairments

AUTHORITY: Implementing Section 3(a) and authorized by Section 3(k) of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1989, ch. 23, pars. 3434(a) and (k)).

SOURCE: Adopted at 10 Ill. Reg. 13342, effective July 29, 1986; amended at 15 Ill. Reg. _____, effective _____.

Section 860.20 Criteria for Listing of Impairments

a) ~~The Bureau incorporates the criteria specified in the Code of Federal Regulations 20 CFR 404.1525a; 20 CFR 404.1525b; 20 CFR 404.1525c; 20 CFR 404.1525d; 20 CFR 404.1525e; 20 CFR 416.925a; 20 CFR 416.925b; 20 CFR 416.925c; 20 CFR 416.925d; 20 CFR 416.925e revised April 1, 1985; 20 CFR 404 Appendix 1 Part A, Listings 1.00-11.19 and 13.00-13.30 and Part B amended December 6, 1985; and 20 CFR 404 Appendix 1 Part A, Listings 12.00-12.09 amended August 28, 1985. This incorporation does not include any later amendments or editions.~~

The Bureau incorporates the criteria specified in the Code of Federal Regulations 20 CFR 404.1525(a)-(e); 20 CFR 416.925(a)-(e) revised April 1, 1990; and 20 CDR 404 Appendix 1 Part A and Part B, Listing of Impairments amended December 12, 1990. This incorporation does not include any later amendments or editions.

b) The medical criteria contained in the Listing of Impairments are used within the framework of the sequential evaluation process as specified in 89 Ill. Adm. Code 845.20(c)(2).

(Source: Amended at 15 Ill. Reg. _____, effective _____)

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

1) Heading of Part: Aurora Municipal Airport Hazard Zoning

2) Code Citation: 92 Ill. Adm. Code 18

3) Section Numbers: Proposed Action:

18.10	18.80	18.150	Repeal
18.20	18.90	18.160	Repeal
18.30	18.100	18.Exhibit A	Repeal
18.40	18.110	18.Exhibit B, ILLUS.A	Repeal
18.50	18.120	18.Exhibit B, ILLUS.B	Repeal
18.60	18.130		Repeal
18.70	18.140		Repeal

4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 15 1/2, par. 48.17

5) A complete description of the subjects and issues involved:

By this rulemaking, the Department proposes to repeal Part 18, and elsewhere in this issue of the Illinois Register, is proposing to replace this Part with new rules on the establishment of an airport hazard area in the vicinity of Aurora Municipal Airport. For a complete description of the differences between the repealed rules and the new rules, please see the Notice of Proposed Rules for Part 18.

6) Will this proposed rulemaking replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed repealer contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: Rules do not affect units of local government.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Any interested party may submit written comments or arguments concerning this proposed rule. Written

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submissions shall be filed with:

Mr. Valjean R. Smith
Assistant Chief Counsel
Department of Transportation
Division of Aeronautics
One Langhorne Bond Drive / Capital Airport
Springfield, Illinois 62707
(217) 785-5821

Comments received within thirty days of the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis: Rules do not affect small businesses.

The full text of the Proposed Repealer begins on the next page:

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NOTICE OF PROPOSED REPEALER

CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER b: AERONAUTICS

PART 18
AURORA MUNICIPAL AIRPORT
HAZARD ZONING

Section
18.10 Introduction
18.20 Short Title
18.30 Definitions
18.40 Surfaces and Height Limitations
18.50 Use Restrictions
18.60 Non-Conforming Uses
18.70 Permits
18.80 Non-Conforming Structures or Uses or Growth Abandoned or Destroyed
18.90 Variances
18.100 Notice of Construction or Alteration
18.110 Enforcement
18.120 Appeal and Judicial Review
18.130 Penalties
18.140 Conflicting Regulations
18.150 Severability
18.160 Effective Date
EXHIBIT A Proposed Construction Permit Request
EXHIBIT B
ILLUSTRATION A - Zoning Map, Sheet 1
ILLUSTRATION B - Zoning Map, Sheet 2

AUTHORITY: Implementing and authorized by the Airport Zoning Act (Ill. Rev. Stat. 1981, ch. 15 1/2, pars. 48.1 et seq.).

SOURCE: Adopted at 5 Ill. Reg. 9595, effective September 15, 1981; codified at 7 Ill. Reg. 7218; Part repealed at 15 Ill. Reg. _____, effective _____; new Part adopted at 15 Ill. Reg. _____, effective _____.

Section 18.10 Introduction

a) Zoning provisions regulating and restricting the height of structures and objects of natural growth, and otherwise regulating the use of property in the vicinity of the Aurora Municipal Airport by creating appropriate surfaces, and establishing the boundaries

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thereof; providing for changes in the restrictions and boundaries of such surfaces, defining certain terms used herein; referring to the Aurora Municipal Airport zoning map (Note: The zoning map can be viewed at the Department of Transportation, Division of Aeronautics Capital Airport, Illinois) which is incorporated into and made a part of these regulations; providing for enforcement; imposing penalties in the interest of public safety and welfare; and providing for Notice of Construction or Alteration.

b) These zoning regulations are adopted at the request of City of Aurora, a municipal corporation of the State of Illinois, as owner and operator of Aurora Municipal Airport, pursuant to the authority conferred by an Act entitled, the Airport Zoning Act as approved July 17, 1945, (Ill. Rev. Stat. 1981, ch. 15 1/2, pars. 48.1 et seq.). It is hereby found that an airport hazard endangers the lives and property of users of Aurora Municipal Airport and of occupants of land or to property in its vicinity, and also, if of the obstruction type, in effect reduces the size of the area available for the landing, taking off and maneuvering of aircraft, thus tending to destroy or impair the utility of Aurora Municipal Airport and the public investment herein. Accordingly, it is declared:

1) that the creation or establishment of an airport hazard is a public nuisance and in injury to the region served by Aurora Municipal Airport.

2) that it is necessary in the interest of the public heath, public safety and general welfare that the creation or establishment of airport hazards be prevented, and

3) that the prevention of these hazards should be acomplished to the extent legally possible by the exercise of the police power without compensation. It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and/or lighting of existing airport hazards are public public purposes for which political subdivisions may raise and expend public funds and acquire land or interests in land.

c) It is Hereby Determined By The Department Of Transportation, Division of Aeronautics, State of Illinois, that the zoning regulations for Aurora Municipal Airport be adopted as follows.

Section 18.20 Short Title

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These zoning regualations shall be known and may be cited as "Airport Hazard Zoning Regulations for Aurora Municipal Airport."

Section 18.30 Definitions

"Airport" - The Aurora Municipal Airport located near Sugar Grove, in the Southwest 1/4 and as a part of the West 1/2 of the Northwest 1/4 and a part of the West 1/2 of the Southwest 1/4 of Section 17; also a part of the Southeast 1/4 and a part of the North 1/2 of the Southwest 1/4 of Section 18; also a part of the North 1/2 of the Northwest 1/4 of Section 20; also a part of the Northeast 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 19; all in Township 38 North, Range 7 East of the Third Principal Meridian, Kane County, Illinois.

"Airport Elevation" - The established elevation of the highest point on the usable landing area; the established airport elevation shall be 709' above main sea level (AMSL).

"Airport Hazard" - Any structure, growth, or use of land which obstructs the airspace required for, or is otherwise hazardous to the flight of aircraft in landing or taking off at the airport.

"Airport Reference Point" - The point established as the approximate geographic center of the airport landing area and so designated as at Latitude 41° 46' 19" N and Longitude 88° 28' 18" W.

"Alteration" - Any construction which would result in a change in height or lateral dimensions of an existing structure.

"Approach, Transitional, Horizontal and Conical Surfaces" - These surfaces are defined in Federal Aviation Regulations, Objects Affecting Airspace (14 CFR 77).

"Construction" - The erection or alteration of any structure either of a permanent or temporary character.

"Department" - The Department of Transportation, Division of Aeronautics of the State of Illinois.

"Growth" - Any object of natural growth, including

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trees, shrubs and foliage.

"Height" - The overall height of the top of a structure including any appurtenances installed thereon, and for the purpose of determining the height limits in all zones set forth in these regulations and shown zoning map, the datum shall be mean sea level elevation unless otherwise specified.

"Landing Area" - The area of the airport used for the landing, taking off or taxiing of aircraft.

"Non-Conforming Use" - Any structure, growth, or use of land which is lawfully in existence at the time these zoning regulations or an amendment thereto becomes effective and does not then meet the requirements of said regulations.

"Non-Precision Instrument Runway" - A runway having an existing instrument approach utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in, non-precision instrument approach procedure has been approved, or planned, and for which no precision approach facilities are planned, or indicated on an Federal Aviation Administration (FAA) planning document or military service, military airport planning document.

"Permit" - A permit issued by the Department of Transportation, Division of Aeronautics.

"Person" - An individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative, and including this State and the Division of Aeronautics.

"Political Subdivision" - Any municipality, city, incorporated town, village, county, township, district, or authority, or any combination of two or more thereof, situated in whole or in part within any of the surfaces established by Section 18.90 hereof.

"Precision Instrument Runway" - A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), or a Precision Approach Radar (PAR) or a runway for which precision approach system is planned and is so indicated by an FAA Approved Layout Plan.

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"Runway" - An area of the airport designated for the landing or taking off of aircraft and consisting of either a specially prepared hard surface or turf.

"Slope Ratio" - A numerical expression of a stated relationship of height to horizontal distance, e.g. 100 to 1 means one hundred feet of horizontal distance for each one foot vertically.

"State" - The State of Illinois.

"Structure" - Any form of construction or apparatus of a permanent or temporary character, constructed or installed by man, including any implements or material used in the erection, alteration or repair of such structure, including but without limitation, buildings, towers, smokestacks, and overhead transmission lines.

"Utility Runway" - A runway that is constructed for and intended to be used for propeller driven aircraft of 12,500 pounds maximum gross weight or less.

"Variance" - A grant of relief by the Department from these zoning regulations, in accordance with Section 18.90 of this Part.

"Visual Runway" - A runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an FAA Approved Layout Plan, or by any planning document, submitted to the FAA by competent authority.

Section 18.40 Surfaces and Height Limitations

a) Establishment and Creation
   1) The following airport imaginary surfaces are established with relation to the airport and to each runway. The size of each such imaginary surface is based on the category of each runway according to the type of approach available or planned for that runway. The slope and dimensions of the approach surface applied to each end of a runway are determined by the most precise approach existing or planned for that runway end.
   2) Such airport imaginary surfaces are hereby created and established in order to carry out the

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provisions of these zoning regulations. Such surfaces shall include all of the land lying within the horizontal surface, conical surface, primary surface, approach surface to include non-precision instrument approach, precision instrument approach and visual approach, transitional surface and circling approach surface. These surfaces are shown on the Airport Zoning Map (Note: This zoning map can be viewed at the Department of Transportation, 2300 South Dirksen Parkway, Springfield, Illinois 62764) for Aurora Municipal Airport prepared by Crawford, Murphy and Tilly, Inc., Springfield, Illinois, which is attached to these zoning regulations and made a part hereof, and referred to hereinafter as the zoning map. An area located in more than one of the following surfaces is considered to be only in the surface with the more restrictive height limitation.
   3) Except as otherwise provided in these zoning regulations, no structure or growth shall be erected, altered, allowed to grow, or maintained in any surface created by these zoning regulations to a height in excess of the height limit herein established for such surfaces.
   4) The various surfaces are hereby established, and height limitations are hereby established for each of the surfaces, as follows:

b) Horizontal Surface
   1) A horizontal plane 150' above the established airport elevation of 709' AMSL, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:
      A) 5,000 feet for all runways designated as utility or visual;
      B) 10,000 feet for all other runways.
   2) The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000 foot arc is encompassed by tangents connecting two adjacent 10,000 foot arcs, the 5,000 foot arc shall be disregarded on the construction of the perimeter of the horizontal surface. The horizontal surface does not include the approach and transitional surfaces.

c) Conical Surface

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1) A surface extending outward and upward from the periphery of the horizontal surface, at 150 feet above the airport elevation, at a slope of 20 feet horizontally for each foot vertically for a horizontal distance of 4,000 feet.
2) The Conical Surface does not include the precision instrument approach surfaces and the transitional surfaces.

d) Primary Surface
1) A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200' beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of a primary surface is:
A) 250' for utility runways having only visual approaches;
B) 500' for utility runways having non-precision instrument approaches;
C) For other than utility runways, the width is:
i) 500' for visual runways having only visual approaches;
ii) 500' for non-precision instrument runways having visibility minimums greater than three-fourths statute miles;
iii) 1,000' for a non-precision instrument runway having a non-precision instrument approach with visibility minimums as low as three-fourths statute mile, and for precision instrument runways.
2) The width of the primary surface of a runway will be the width prescribed in this Section for the most precise approach existing or planned for either end of that runway.

e) Approach Surface - A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.
1) The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:
A) 1,250' for that end of a utility runway with only visual approaches;
B) 1,500' for that end of a runway other than a utility runway with only visual approaches;
C) 2,000' for that end of a utility runway with a non-precision instrument approach;
D) 3,500' for that end of a non-precision instrument runway other than utility, having visibility minimums greater than three-fourths statute mile;
E) 4,000' for that end of a non-precision instrument runway, other than utility, having a non-precision instrument approach with visibility minimums as low as three-fourths statute mile; and
F) 16,000' for precision instrument runways.
2) The approach surface extends for a horizontal distance of:
A) 5,000' at a slope of 20' horizontally for each foot vertically for all utility and visual runways;
B) 10,000' at a slope of 34' horizontally for each foot vertically for all non-precision instrument runways other than utility; and
C) 10,000' at a slope of 50' horizontally for each foot vertically with an additional 40,000' at a slope of 40' horizontally for each foot vertically for all precision instrument runways.
3) The outer width of an approach surface to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.

f) Transitional Surface - These surfaces extend outward and upward at right (90 Degree) angles to the runway centerline and the runway centerline extended at a slope of 7 feet horizontally for each foot vertically beginning at the sides of and at the same elevation of the primary surface and the approach surfaces extending to a height of 150' above the airport elevation which is 709' AMSL. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000' measured horizontally from the edge of the approach surface and at right (90 Degrees) angles to the runway centerline.

g) Circling Approach Surface - This is a surface 200' Above Ground Level (AGL) or above the established airport elevation, whichever is greater, within three (3) nautical miles of the established reference point of Aurora Municipal Airport and this surface increases in height in the proportion of 100' for each additional nautical mile of distance from the airport reference

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point up to a maximum of 500'.

h) Expected Height Limitations - Nothing in these regulations shall be construed as prohibiting the growth, construction or maintenance of any growth or structure to a height up to 50' above the surface of the land.

Section 18.50 Use Restrictions

Notwithstanding any other provisions of these zoning regulations, no use may be made of land or water within any surface established by these zoning regulations in such a manner as to create electrical interference with navigational signals or radio or radar communication between the airport and aircraft; or to the installation and use of flashing or illuminated advertising or business signs, billboards, or any other type of illuminated structure which would be hazardous for pilots because of the difficulty in distinguishing between airport lights and others, or which result in glare in the eyes of pilots using the airport, thereby imparing visibility in the vicinity of the airport or endangering the landing, taking off or maneuvering of aircraft; or which would emit or discharge smoke that would interfere with the health and safety of pilots and the public in the use of the airport, or which would otherwise be detrimental or injurious to the health, safety and general welfare of the public in the use of the airport.

Section 18.60 Non-Conforming Uses

a) Regulations Not Retroactive - Those surface regulations prescribed by these zoning regulations shall not be construed to require the removal, lowering or other changes or alteration of any structure or growth not conforming to the regulations as of the effective date of these zoning regulations or otherwise interfere with the continuance of any non-conforming use. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the constrution or alteration of which was begun prior to the effective date of these zoning regulations and is diligently prosecuted.

b) Marking and Lighting - Notwithstanding the provisions of Section 18.60 of this Part, the owner of any existing non-conforming structure is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed

necessary by the Department to indicate to operators of aircraft in the vicinity of the airport, the presence of such airport hazards, all to be performed at the expense of the City of Aurora.

Section 18.70 Permits

a) Future Uses - Except as specifically provided in Paragraphs (1), (2), and (3) hereunder, no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted, or otherwise established in any surface hereby created unless a permit therefor shall have been applied for and granted by the Department. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or growth would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

1) In the area lying within the limits of the horizontal surface and the conical surface, but which is not in violation of height restrictions of primary, transitional and approach surfaces as set forth in these regulations, no permit shall be required for any growth or structure less than 75' of vertical height above the ground or in any approach and transitional surfaces beyond a horizontal distance of 4,200' from each end of the runway, except when because of terrain, land contour or topographic features such growth or structure would extend above the height limits prescribed for such surface.

2) In the areas lying within the limits of visual, precision instrument and non-precision instrument approach surfaces, no permit shall be required for any growth or structure less than 75' of vertical height above the ground, except when such growth or structure would extend above the height limit prescribed for such visual, precision instrument or non-precision instrument approach surfaces.

3) In the areas lying within the limits of the transitional surface beyond the perimeter of the horizontal surface, no permit shall be required for any growth or structure less than 75' of vertical height above the ground except when such growth or structure, because of terrain, land contour or topographic features would extend above

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the height limit prescribed for such transitional surface.

b) Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or growth in excess of any of the height limits prescribed by these regulations.

Section 18.80 Non-Conforming Structures or Uses or Growth Abandoned or Destroyed

Whenever the Department determines that a non-conforming structure or use or growth has been abandoned or more than 80 per cent demolished, physically deteriorated or decayed:

a) No permit shall be granted by the Department that will allow such structure or use or growth to exceed the applicable height limit or otherwise deviate from these zoning regulations; and

b) Whether application is made for a permit, or not, the Department may issue an Order, in cases where the remaining structure or use or growth constitues violation of these zoning regulations, compelling the owner of the non-conforming structure or use or growth, at his own expense, to lower, remove, reconstruct, or equip such structure or use or growth as may be necessary to conform to these zoning regulations. If the owner of the non-conforming structure or use or growth shall neglect or refuse to comply with such order within ten (10) days after notice thereof, the Department may proceed to have such structure or use or growth so lowered, removed, reconstructed or equipped and shall have a lien, on behalf of the State, upon the land whereon it is or was located, in the amount of the cost and exepense thereof. Such lien may be enforced by the Department on behalf of the State by suit in equity for the enforcement as in the case of other liens.

Section 18.90 Variances

a) Any person wishing to erect or increase the height of any structure, or permit any growth, or use his property not in accordance with these zoning regulations, may apply to the Department for a variance from these zoning regulations. Such variances shall be allowed where it is duly found that a literal

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application or enforcement of these zoning regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but would do substantial justice nd be in accordance with the spirit of these zoning regulations.

b) Marking and Lighting - Any variance granted by the Department may be so conditioned as to require the owner of such structure or growth to permit, at the expense of the owner, the installation, operation and maintenance thereon of such markers and lights as may be required to indicate to pilots the presence of such structure or growth.

Section 18.100 Notice of Construction or Alteration

a) Construction or Alteration Requiring Notice - The Department shall be notified by each person (sponsor) who proposes any of the following construction or alterations with respect to the surfaces and height limitations established by Section 18.40 hereof with respect to Aurora Municipal Airport:

1) Any construction or alteration of more than 200' in height above the ground level at its site.

2) Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes:

A) 100 to 1 for a horizontal distance of 20,000' from the nearest point of the nearest runway of the airport, with at least one runway more than 3200' in actual length.

B) 50 to 1 for a horizontal distance of 10,000' from the nearest point of the nearest runway of the airport, with the longest runway not more than 3200' in actual length.

3) Any highway, railroad, or other traverse way for mobile objects, of a height which, if adjusted upward 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance, 15 feet for any other public roadway, 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road, 23 feet for a railroad, and for a waterway or any other traverse way not previously mentioned, an amount equal to

the highest mobile object that would normally traverse it, would exceed a standard of subparagraph (1) or (2).

4) When requested by the Department, any construction or alteration that would be in an instrument approach area (defined in the FAA Standards Governing Instrument Approach Procedures) and available information indicates it would exceed a standard of the Statute, rules and regulations of the Department or these zoning regulations.

b) Construction or Alteration Not Requiring Notice - No person is required to notify the Department for any of the following construction or alterations with respect to Aurora Municipal Airport:

1) Any antenna structure of 20' or less in height except one that would increase the height of another antenna structure.

2) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device, of a type approved by the Administrator of the FAA or an appropriate military service on military airports, the location and height of which is fixed by its functional purpose.

3) Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation.

c) Form and Time of Notice

1) Each person who is required to notify the Department under Paragraph (a) shall forward one (1) executed form set (in four copies) of the Department's Form No. DA-39 to the Division of Aeronautics, One Langhorne Bond Drive, Capital Airport, Springfield, Illinois 62706. Copies of this form may be obtained from the Department.

2) Such notice must be submitted at least 30 days before the proposed construction or alteration is to begin.

3) In the case of an emergency involving essential public services, public health, or public safety, that requires immediate construction or alteration, the 30-day requirement in Paragraph (2) above does not apply and the notice may be sent by telephone, telegraph, or other expeditious means, with an executed Department Form No. DA-39

submitted within five (5) days thereafter.

d) Acknowledgment of Notice

1) The Department will acknowledge in writing the receipt of such notice submitted under Paragraph (a) above within 30 days of receipt of such notice.

2) The acknowledgment will state that an aeronautical study of the proposed construction or alteration has resulted in a determination that the construction or alteration:

A) Would not exceed any standard of the State, rules and regulations of the Department, or these zoning regulations and would not be a hazard to air navigation; or

B) Would exceed a standard of the Statute, rules and regulations of the Department, or these zoning regulations but would not be a hazard to air navigation, although an application for Variance pursuant to Section 18.90 of these regulations would be required; or

C) Would exceed a standard of the Statute, rules and regulations of the Department, or these zoning regulations and further aeronautical study is necessary to determine whether it would be a hazard to air navigation, that the sponsor may request within 30 days that further study, and that, pending completion of any further study, it is presumed that construcion or alteration would be a hazard to air navigation and an application for Variance pursuant to Section 18.90 of these regulations would be required; or

D) Would require lighting or marking standards as prescribed by the FAA, and information on how the strucure should be marked and lighted in accordance with such FAA standards; or

E) Would require supplemental information from the sponsor in order for a determination to be made by the Department.

Section 18.110 Enforcement

It shall be the duty of the Department to administer and enforce these zoning regulations. Applications for permits or variances, required by these zoning regulations to be submitted to the Department, shall be on forms furnished by the Department and shall be promptly considered and granted or denied.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

Section 18.120 Appeal and Judicial Review

a) Appeal - Any perosn aggrieved by any decision of the Department made in administration of these zoning regulations may apply to the Department to reverse, wholly, or partly, or modify, or otherwise change, abrogate or rescind any such decision. The procedure prescribed by Statute for proceedings before Boards of Appeal shall govern such application to the Department.
b) Judicial Review - Any person aggrieved, or any taxpayer affected by any decision of the Department may appeal to the Circuit Court of Kane County, Illinois, or Circuit Court of any county in which the airport hazard is wholly or partly located, in accordance with the provisions of an Act entitled, the Administrative Review Law (Ill. Rev. Stat. 1981, Ch. 110, pars. 3-101 et seq.).

Section 18.130 Penalties

Each violation of these zoning regulations or of any regulation, order, or ruling promulgated hereunder shall constitute an airport hazard and a petty offense, and such hazard shall be removed by proper legal proceedings and each day a violation continues to exist shall constitute a separate offense. In addition, the Department may institute in the Circuit Court of Kane County, Illinois, or Circuit Court of any county in which the airport hazard is wholly or partly located, an action to prevent and restrain, correct or abate, any violation order or ruling made in connection with their adminstration or enforcement, and the Court shall be adjudge such relief by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case, in order fully to effectuate the purposes of these zoning regulations as adopted and orders and rulings made pursuant thereto.

Section 18.140 Conflicting Regulations

Where a conflict exists between any of these zoning regulations and any other regulations or ordinances applicable to the same site, whether the conflict be with respect to the height of structures or growths, the use of land, or any other matter, the more stringent regulation or ordinance shall govern and prevail.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

Section 18.150 Severability

If any of the provisions of these zoning regulations or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of these zoning regulations which can be given effect without the invalid provision or application, and to this end, the provisions of these zoning regulations are declared to be severable.

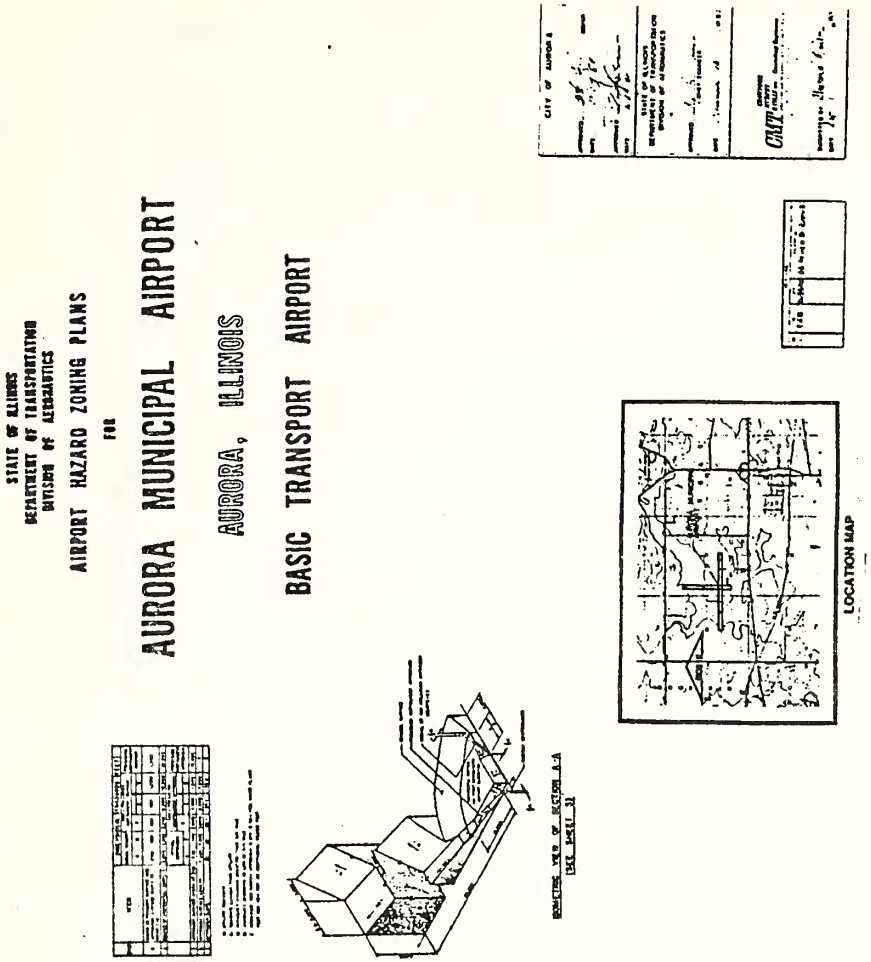
Section 18.160 Effective Date

a) These zoning regulations shall be in full force and effect from and after concurrence by the Illinois Commerce Commission, adoption by the Department and ten (10) days after filing with the Secretary of State.
b) Concurred in by Order of the Illinois Commerce Commission dated June 10, 1981..
c) Adopted by Order of the Division of Aeronautics dated September 2, 1981.
d) Filed with the Office of the Secretary of State and became effective on September 15, 1981.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

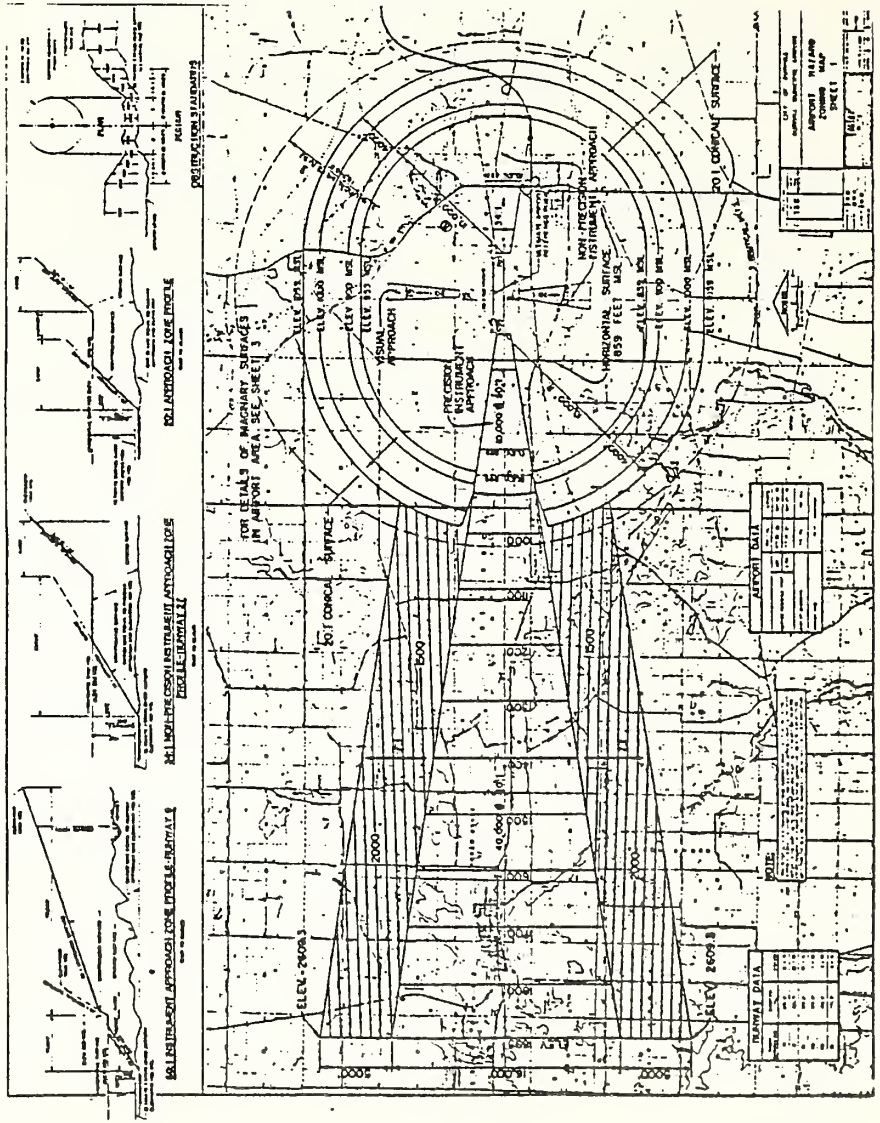
Section 18.EXHIBIT A Location Map



DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

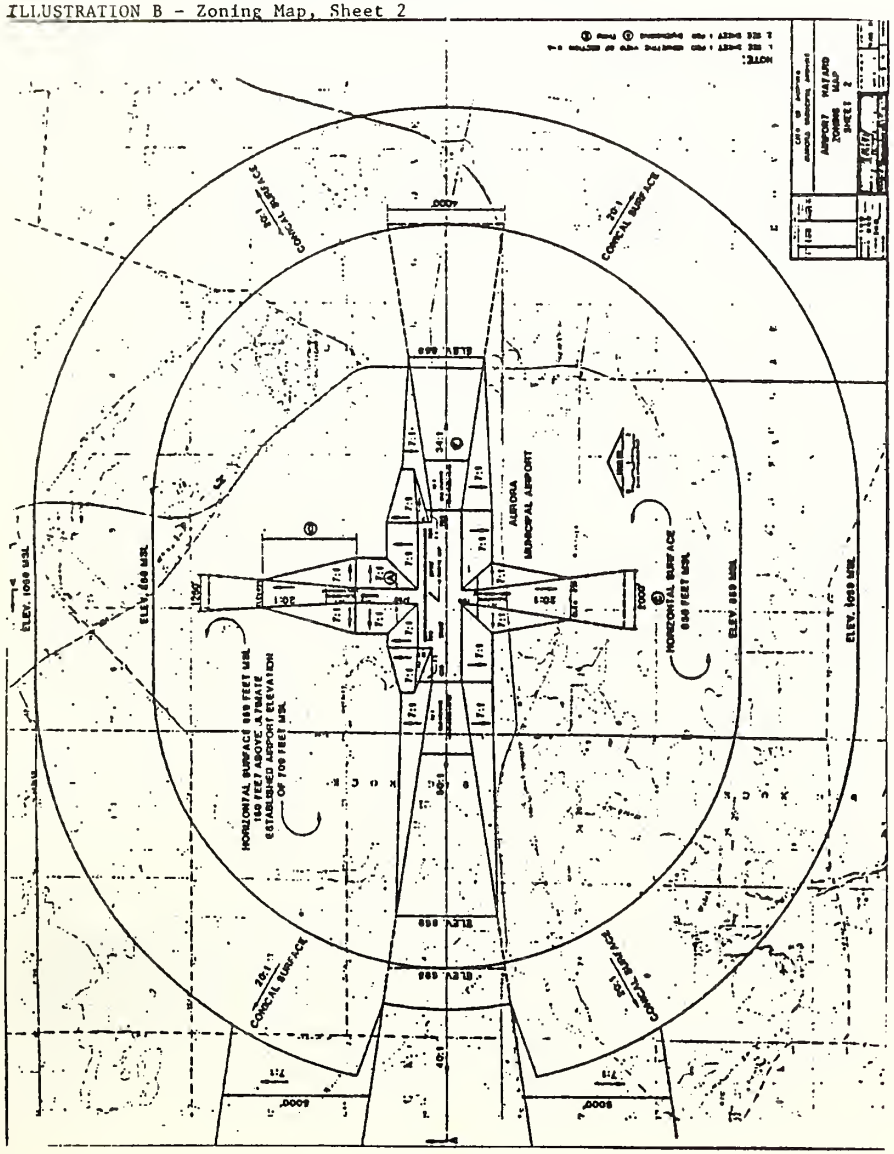
Section 18.EXHIBIT B ILLUSTRATION A-Zoning Map, Sheet 1



DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

ILLUSTRATION B - Zoning Map, Sheet 2



DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

1) Heading of Part: Aurora Municipal Airport Hazard Zoning

2) Code Citation: 92 Ill. Adm. Code 18

3) Section Numbers: Proposed Action:

18.10	18.90	New Section
18.20	18.100	New Section
18.30	18.110	New Section
18.40	18.120	New Section
18.50	18.130	New Section
18.60	18.140	New Section
18.70	18.Exhibit A	New Section
18.80		New Section

4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 15 1/2, par. 48.17

5) A complete description of the subjects and issues involved:

This Part provides for the establishment of an airport hazard area in the vicinity of the Aurora Municipal Airport. This Part provides for the safety of the aircraft and persons on the ground by governing surfaces and height limitations in respect to structures erected or altered in the vicinity of the airport.

Elsewhere in this issue of the Illinois Register, the Department proposes to repeal the old Part 18 and replace it with this new Part. A complete description of the significant differences between the repealed rules and the new rules follows. These changes have been made to other airport hazard zoning regulations promulgated by the Department at the suggestion of the Joint Committee on Administrative Rules.

The word "feet" replaces the apostrophe used throughout the rule in the old Part.

The new Part does not contain the following Sections: "Short Title," "Effective Date," or "Exhibit B / Illustrations A and B."

The introduction to the new Part has been rewritten and reformatted.

The definition of "airport" in Section 18.20 of the new Part has been rewritten.

The definition of "Airport Hazard" now includes "Trees" as possible obstructions which could be hazardous to the flight of aircraft in landing or taking-off.

The definition of "Airport Reference Point" has changed slightly.

The definition of "Approach, Transitional, Horizontal and Conical Surfaces" has been changed.

The definition of "Circling Approach Area" is new.

The definition of "Departure Area" is new.

The definition of "Final Approach Segment" is new to the Part.

The definition of "Growth" has been deleted, and the word "growth" has been replaced with the word "tree" throughout the Part.

The words "these zoning regulations" have been deleted and replaced with the words "this Part" throughout the rule.

The following terms and their definitions are new to the Part:

"Initial Approach Segment"
"Intermediate Approach Segment"
"Minimum Instrument Flight Altitude"
"Obstacle Clearance"
"Terminal Obstacle Clearance Area"
"Visibility Minimums"

The definition of "Landing Area" has been changed.

Statutory language is shown through capitalization in the new Part.

The definition of "Precision Instrument Runway" has been changed.

The definition of "Runway" has been rewritten.

The definition of "Visual Runway" has been changed.

In Section 18.30(f), the airport elevation has been changed from 709 feet to 654 feet.

Section 18.40 of the new Part, the text on "Use Restrictions" is new language.

In Section 18.50(b)(2) of the new Part, the text is new.

The introductory paragraph in Section 18.70 of the new Part has been rewritten.

Section 18.70(c) is new text.

Section 18.80(a) and (b) have been rewritten and subsection (c) is new text.

Section 18.90 has been reworked in the new Part.

The Department, in the new Part, includes the "Proposed Construction Permit Request" as an Exhibit to the rule.

6) Will this proposed rulemaking replace an emergency rule currently in effect?

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: Rules do not affect units of local government.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Any interested party may submit written comments or arguments concerning this proposed rule. Written

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

submissions shall be filed with:

Mr. Valjean Smith
Assistant Chief Counsel
Department of Transportation
Division of Aeronautics
One Langhorne Bond Drive / Capital Airport
Springfield, Illinois 62707
(217) 785-5831

Comments received within thirty days of the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis: Rule does not affect small businesses.

The full text of the Proposed Rule(s) begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER b: AERONAUTICS

PART 18
AURORA MUNICIPAL AIRPORT
HAZARD ZONING

Section
18.10 Introduction
18.20 Definitions
18.30 Surfaces and Height Limitations
18.40 Use Restrictions
18.50 Non-Conforming Uses
18.60 Permits
18.70 Non-Conforming Structures or Uses or Trees Abandoned or Destroyed
18.80 Variances
18.90 Notice of Construction or Alteration
18.100 Enforcement
18.110 Appeal and Judicial Review
18.120 Penalties
18.130 Conflicting Regulations
18.140 Severability
EXHIBIT A Proposed Construction Permit Request

AUTHORITY: Implementing and authorized by Section 17 of the Airport Zoning Act (Ill. Rev. Stat. 1989, ch. 15 1/2, par. 48.17).

SOURCE: Adopted at 5 Ill. Reg. 9595, effective September 15, 1981; codified at 7 Ill. Reg. 7218; Part repealed at 15 Ill. Reg. _____, effective _____; new Part adopted at 15 Ill. Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language.

Section 18.10 Introduction

a) This Part regulates and restricts the height of structures and trees, and otherwise regulates the use of property in the vicinity of the Aurora Municipal Airport by creating appropriate surfaces, and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such surfaces, defining certain terms used herein; referring to the Aurora Municipal Airport zoning map (Note: This

zoning map can be viewed at the Department of Transportation, Division of Aeronautics, One Langhorne Bond Drive/Capital Airport, Springfield, Illinois 62706. For an example of this information see 92 Ill. Adm. Code 18. Exhibits A, B and C); providing for enforcement; imposing penalties in the interest of public safety and welfare; and providing for notice of construction or alteration.

b) This Part is adopted at the request of the City of Aurora, as owner and operator of Aurora Municipal Airport, pursuant to the authority conferred by the Airport Zoning Act (Act) (Ill. Rev. Stat. 1989, ch. 15 1/2, pars. 48.1 et seq.). IT IS HEREBY FOUND THAT AN AIRPORT HAZARD ENDANGERS THE LIVES AND PROPERTY OF USERS OF Aurora Municipal Airport AND OF OCCUPANTS OF LAND or property IN ITS VICINITY, AND ALSO, IF OF THE OBSTRUCTION TYPE, IN EFFECT REDUCES THE SIZE OF THE AREA AVAILABLE FOR THE LANDING, TAKING-OFF AND MANEUVERING OF AIRCRAFT, THUS TENDING TO DESTROY OR IMPAIR THE UTILITY OF Aurora Municipal Airport AND THE PUBLIC INVESTMENT THEREIN.

1) ACCORDINGLY, IT IS DECLARED:

A) THAT THE CREATION OR ESTABLISHMENT OF AN AIRPORT HAZARD IS A PUBLIC NUISANCE AND AN INJURY TO THE region SERVED BY Aurora Municipal Airport;

B) THAT IT IS NECESSARY IN THE INTEREST OF THE PUBLIC HEALTH, PUBLIC SAFETY AND GENERAL WELFARE THAT THE CREATION OR ESTABLISHMENT OF AIRPORT HAZARDS BE PREVENTED; AND

C) that the prevention of these hazards SHOULD BE ACCOMPLISHED TO THE EXTENT LEGALLY POSSIBLE, BY THE EXERCISE OF THE POLICE POWER, WITHOUT COMPENSATION.

2) IT IS FURTHER DECLARED THAT BOTH THE PREVENTION OF THE CREATION OR ESTABLISHMENT OF AIRPORT HAZARDS AND THE ELIMINATION, REMOVAL, ALTERATION, MITIGATION, OR MARKING AND/or LIGHTING OF EXISTING AIRPORT HAZARDS ARE PUBLIC PURPOSES FOR WHICH POLITICAL SUBDIVISIONS MAY RAISE AND EXPEND PUBLIC FUNDS AND ACQUIRE LAND or interests in land. (Section 11 of the Act)

Section 18.20 Definitions

As used in this Part, unless the context otherwise requires:

"Airport" - The Aurora Municipal Airport located near

Aurora, situated in Section 8, 17, 18, 19 and 20 Township 38 North, Range 7 East of the Third Principal Meridian, Kane County, Illinois; also known as Aurora Municipal Airport.

"Airport Elevation" - The established elevation of the highest point on the usable landing strip; the established airport elevation shall be 711 feet above mean sea level (AMSL).

"Airport Hazard" - ANY STRUCTURE, TREE, OR USE OF LAND WHICH OBSTRUCTS THE AIRSPACE REQUIRED FOR, OR IS OTHERWISE HAZARDOUS TO THE FLIGHT OF AIRCRAFT IN LANDING OR TAKING-OFF AT THE AIRPORT. (Section 3 of the Act)

"Airport Reference Point" - The point established as the approximate geographic center of the airport landing area and so designated as at Latitude 41° 46' 22.2" N and Longitude 88° 28' 34.4" W.

"Alteration" - Any construction which would result in a change in height or lateral dimensions of an existing structure.

"Approach, Transitional, Horizontal and Conical Surfaces" - These surfaces are defined in Section 18.30.

"Circling Approach Area" - That obstacle clearance area which shall be considered for aircraft maneuvering to land on a runway which is not aligned with the final approach course of the approach procedure.

"Construction" - The erection or alteration of any structure either of a permanent or temporary character.

"Department" - The Department of Transportation, Division of Aeronautics of the State of Illinois.

"Departure Area" - That area which begins at the departure end of the runway and has a beginning width of 1000' (500' from centerline). The area splays 15° on each side of the extended runway centerline for a distance of 2 Nautical Miles (NM). Additionally, it includes a second surface that extends radially from a point on the runway centerline located 2,000' from the start end of the runway and extends the distance necessary to provide a 40:1 obstacle identification surface to reach the minimum altitudes authorized for en route operations.

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"Final Approach Segment" - That area of an approach where the aircraft makes final alignment and descent for landing.

"Flight Safety Coordinator" - An employee of the Department whose duties include, but are not limited to inspection of airports, review of complaints concerning uses of property in the vicinity of airports and inspection of structures, uses and trees in the vicinity of airports to determine if such structures, uses or trees impair the use of the airport by aircraft.

"Height" - The overall height of the top of a structure including any appurtenances installed thereon, for the purpose of determining the height limits in all zones set forth in this Part and shown on the zoning map, the datum of which shall be mean sea level elevation unless otherwise specified.

"Initial Approach Segment" - That area of an instrument approach between a point where aircraft departs the enroute phase of flight and is maneuvering to enter an intermediate segment. Such approach segments may be made along an arc, radial, course, heading, radar vector or a combination of thereof.

"Intermediate Approach Segment" - That area of an approach between the initial and final approach segments where the aircraft adjusts configuration, speed and positioning along positive course guidance such as radial or course.

"Landing Area" - The area of the airport used for the landing, taking-off or taxiing of aircraft including the unprepared surfaces adjacent to the existing runways.

"Minimum Instrument Flight Altitude" - An altitude established for instrument flight between radio fixes that provides obstacle clearance over the terrain and man-made objects and adequate for navigational performance and communications requirements.

"Non-Conforming Use" - Any structure, tree, or use of land which is lawfully in existence at the time this Part or an amendment thereto becomes effective and does not then meet the requirements of this Part.

"Non-Precision Instrument Runway" - A runway having an existing instrument approach utilizing air navigation

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facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in, non-precision instrument approach procedure has been approved by the Federal Aviation Administration [FAA], or planned, and for which no precision approach facilities are planned, or indicated on an FAA planning document or military service, military airport planning document.

"Obstacle Clearance" - The vertical distance between the lowest authorized flight altitudes and a prescribed surface within a specified area.

"Permit" - A permit issued by the Department of Transportation, Division of Aeronautics, pursuant to Section 18.60 of this Part.

"Person" - An INDIVIDUAL, FIRM, partnership, CORPORATION, COMPANY, ASSOCIATION, JOINT STOCK ASSOCIATION, OR BODY POLITIC, and includes a TRUSTEE, RECEIVER, ASSIGNEE, administrator, executor, guardian, OR OTHER REPRESENTATIVE, AND INCLUDING THIS STATE and the Division of Aeronautics. (Section 7 of the Act)

"Political Subdivision" - ANY MUNICIPALITY, CITY, INCORPORATED TOWN, VILLAGE, COUNTY, TOWNSHIP, DISTRICT, OR AUTHORITY, OR ANY COMBINATION OF TWO OR MORE THEREOF, situated in whole or in part within any of the surfaces established by Section 18.30. (Section 6 of the Act)

"Precision Instrument Runway" - A precision instrument runway is one which uses an instrument landing system (ILS) or precision approach radar (PAR). A planned precision instrument runway is one for which a precision approach system is indicated on a Department approved Airport Layout Plan, which is on file at the Department of Transportation, Division of Aeronautics, Bureau of Engineering, One Langhorne Bond Drive/Capital Airport, Springfield, Illinois 62706.

"Runway" - An area of the airport designated for the landing or taking off of aircraft and consisting of turf or concrete, asphalt, oil and chip or other composite material that forms an all weather surface other than turf.

"Slope Ratio" - A numerical expression of a stated relationship of height to horizontal distance, e.g. 100 to 1 means one hundred feet of horizontal distance for

each one foot vertically.

"State" - THE STATE OF ILLINOIS. (Section 8 of the Act)

"Structure" - Any form of construction or apparatus of a permanent or temporary character, constructed or installed by man, including any implements or material used in the erection, alteration or repair of such structure, including but without limitation, buildings, towers, smokestacks, and overhead transmission lines.

"Terminal Obstacle Clearance Area" - That area near an airport that contains the initial, intermediate and final approach segments, circling and departure areas which are a part of an instrument approach procedure.

"Tree" - Any object of natural growth.

"Utility Runway" - A runway that is constructed for and intended to be used for propeller driven aircraft of 12,500 pounds maximum gross weight or less.

"Variance" - A grant of relief by the Department from the requirements of this Part, in accordance with Section 18.80.

"Visibility Minimums" - The lowest forward horizontal distance from the cockpit of an aircraft in flight at which prominent unlighted objects may be seen and identified by day and prominent lighted objects may be seen and identified by night.

"Visual Runway" - A visual runway is a runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on a Department approved Airport Layout Plan, which is on file at the Department of Transportation, Division of Aeronautics, Bureau of Engineering, One Langhorne Bond Drive/Capital Airport, Springfield, Illinois 62706.

Section 18.30 Surfaces and Height Limitations

a) Establishment and Creation
   1) The following airport imaginary surfaces are established with relation to the airport and to each runway. The size of each such imaginary

surface is based on the category of each runway according to the type of approach available or planned for that runway. The slope and dimensions of the approach surface applied to each end of a runway are determined by the most precise approach existing or planned for that runway end.

   2) Such airport imaginary surfaces are hereby created and established in order to carry out the provisions of this Part. Such surfaces shall include all of the land lying within the horizontal surface, conical surface, primary surface, approach surface to include non-precision instrument approach, precision instrument approach and visual approach, transitional surface and circling approach surface. These surfaces are shown on the Airport Zoning Map (Note: This zoning map can be viewed at the Department of Transportation, Division of Aeronautics, One Langhorne Bond Drive/Capital Airport, Springfield, Illinois 62706. For an example of this information see 92 Ill. Adm. Code 18. Exhibits A, B and C) for Aurora Municipal Airport prepared by Crawford, Murphy & Tilly, Inc., Aurora, Ill. An area located in more than one of the following surfaces is considered to be only in the surface with the more restrictive height limitation.

   3) Except as otherwise provided in this Part, no structure or tree shall be erected, altered, allowed to grow, or maintained in any surface created by this Part to a height in excess of the height limit herein established for such surfaces.

   4) The various surfaces are hereby established, and height limitations are hereby established for each of the surfaces, as follows:

b) Horizontal Surface
   1) A horizontal plane 150 feet above the established airport elevation of 654 feet Above Mean Sea Level (AMSL), the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:
      A) 5,000 feet for all runways designated as utility or visual;
      B) 10,000 feet for all other runways.
   2) The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000 foot arc is encompassed by tangents connecting two adjacent

10,000 foot arcs, the 5,000 foot arc shall be disregarded on the construction of the perimeter of the horizontal surface. The horizontal surface does not include the approach and transitional surfaces.

c) Conical Surface
1) A surface extending outward and upward from the periphery of the horizontal surface, at 150 feet above the airport elevation, at a slope of 20 feet horizontally for each foot vertically for a horizontal distance of 4,000 feet.
2) The conical surface does not include the approach surfaces to the precision instrument runways and the transitional surfaces.

d) Primary Surface
1) A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of a primary surface is:
A) 250 feet for utility runways having only visual approaches;
B) 500 feet for utility runways having non-precision instrument approaches;
C) For other than utility runways, the width is:
i) 500 feet for visual runways having only visual approaches;
ii) 500 feet for non-precision instrument runways having visibility minimums greater than three-fourths statute miles;
iii) 1,000 feet for a non-precision instrument runway having a non-precision instrument approach with visibility minimums as low as three-fourths statute mile, and for precision instrument runways.
2) The width of the primary surface of a runway will be the width prescribed in this Section for the most precise approach existing or planned for either end of that runway.

e) Approach Surface - A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of each runway based upon the type of approach available or planned

for that runway end.
1) The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:
A) 1,250 feet for that end of a utility runway with only visual approaches;
B) 1,500 feet for that end of a runway other than a utility runway with only visual approaches;
C) 2,000 feet for that end of a utility runway with a non-precision instrument approach;
D) 3,500 feet for that end of a non-precision instrument runway other than utility, having visibility minimums greater than three-fourths statute mile;
E) 4,000 feet for that end of a non-precision instrument runway, other than utility, having a non-precision instrument approach with visibility minimums as low as three-fourths statute mile; and
F) 16,000 feet for precision instrument runways.
2) The approach surface extends for a horizontal distance of:
A) 5,000 feet at a slope of 20 feet horizontally for each foot vertically for all utility and visual runways;
B) 10,000 feet at a slope of 34 feet horizontally for each foot vertically for all non-precision instrument runways other than utility; and
C) 10,000 feet at a slope of 50 feet horizontally for each foot vertically with an additional 40,000 feet at a slope of 40 feet horizontally for each foot vertically for all precision instrument runways.
3) The outer width of an approach surface to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.

f) Transitional Surface - These surfaces extend outward and upward at right (90°) angles to the runway centerline and the runway centerline extended at a slope of 7 feet horizontally for each foot vertically beginning at the sides of and at the same elevation of the primary surface and the approach surfaces extending to a height of 150 feet above the airport elevation which is 654 feet AMSL. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured

horizontally from the edge of the approach surface and at right (90°) angles to the runway centerline.

g) Circling Approach Surface - This is a surface 200 feet above ground level (AGL) or above the established airport elevation, whichever is greater, within three (3) nautical miles of the established reference point of Aurora Municipal Airport and this surface increases in height in the proportion of 100 feet for each additional nautical mile of distance from the airport reference point up to a maximum of 500 feet.

h) A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

i) Excepted Height Limitations - Nothing in this Part shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a height up to 50 feet above the ground.

Section 18.40 Use Restrictions

Notwithstanding any other provisions of this Part, no use may be made of land or water within any surface established by this Part as follows:

a) Electrical or Electronic Interference

1) In such a manner as to create electrical or electronic interference with navigational signals or radio or radar communication between the airport and aircraft.

2) If a complaint of such interference is received by the Department, a Flight Safety Coordinator shall determine if a hazard exists by observing all relevant factors including the type of aircraft using the airport, the traffic patterns at the airport, the time of day and frequency of the interference.

b) Flashing or Illuminated Structures

1) The installation and use of flashing or illuminated advertising or business signs, billboards, or any other type of illuminated structure which would be hazardous for pilots.

2) In determining whether such a hazard exists, a Flight Safety Coordinator shall consider factors which include, but are not limited to, assessing the difficulty pilots have in distinguishing

between airport lights and others, or which result in glare in the eyes of pilots using the airport, thereby impairing visibility in the vicinity of the airport or endangering the landing, taking off or maneuvering of aircraft, the proximity of the illuminated structure to the airport, and the traffic patterns at the airport.

c) Smoke

1) A use which would emit or discharge smoke that would interfere with the health and safety of pilots and the public in the use of the airport, or which would otherwise be detrimental or injurious to the health, safety and general welfare of the public in the use of the airport.

2) In determining if such an emission or discharge of smoke would interfere with the health and safety of pilots and the public, a Flight Safety Coordinator shall consider all relevant factors which include, but are not limited to the density of the smoke, frequency of the emission or discharge, source of the smoke, general weather patterns in the vicinity, time of day, and volume and type of aircraft which use the airport.

Section 18.50 Non-Conforming Uses

a) Regulations Not Retroactive - Those surface regulations prescribed by this Part shall not be construed to require the removal, lowering or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this Part or otherwise interfere with the continuance of any non-conforming use. Nothing contained in this Part shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Part and is diligently prosecuted.

b) Marking and Lighting

1) Notwithstanding the provisions of subsection (a), the owner of any existing non-conforming structure is required to permit the installation, operation and maintenance of such markers and lights as shall be deemed necessary by the Department to indicate to operators of aircraft in the vicinity of the airport, the presence of such airport hazards, all to be performed at the expense of the City of Aurora.

2) In determining the necessity for such markers and lights, the Department shall consider all relevant conditions, including but not limited to, the traffic patterns, volume and type of aircraft at the airport, the general weather patterns in the vicinity, the topography of the airport and the surrounding area, and the height of the structure and its proximity to the approach and transition slopes of the existing runways.

Section 18.60 Permits

a) Future Uses - Except as specifically provided in subsections (1), (2), and (3), no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted, or otherwise established in any surface created unless a permit shall have been applied for and granted by the Department. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations prescribed in this Part. If such determination is in the affirmative, the permit shall be granted.
   1) In the area lying within the limits of the horizontal surface and the conical surface, but which is not in violation of height restrictions of primary, transitional and approach surfaces as set forth in this Part, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground or in any approach and transitional surfaces beyond a horizontal distance of 4,200 feet from each end of the runway, except when, because of terrain, land contour or topographic features such tree or structure, would extend above the height limits prescribed for such surface.
   2) In the areas lying within the limits of visual, precision instrument and non-precision instrument approach surfaces, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such visual, precision instrument or non-precision instrument approach surfaces.
   3) In the areas lying within the limits of the transitional surface beyond the perimeter of the horizontal surface, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground except when such tree or structure, because of terrain, land contour or topographic features would extend above the height limit prescribed for such transitional surface.

b) Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or tree in excess of any of the height limits prescribed by this Part.

Section 18.70 Non-Conforming Structures or Uses or Trees Abandoned or Destroyed

Whenever the Department following a Flight Safety Coordinator's personal inspection, observation and estimation, DETERMINES THAT A NON-CONFORMING STRUCTURE or use or tree HAS BEEN ABANDONED OR MORE THAN 80 PER CENT demolished, DESTROYED, physically DETERIORATED, OR DECAYED:

a) NO PERMIT SHALL BE GRANTED by the Department THAT WOULD ALLOW SUCH STRUCTURE or use or tree TO EXCEED THE APPLICABLE HEIGHT LIMIT OR OTHERWISE DEVIATE FROM these ZONING REGULATIONS; AND
b) WHETHER APPLICATION IS MADE FOR A PERMIT, OR NOT, THE DEPARTMENT MAY issue an order pursuant to subsection (c), in cases where the remaining structure or use or tree constitutes a violation of this Part, compelling THE OWNER OF THE NON - CONFORMING STRUCTURE or use or tree, AT HIS OWN EXPENSE, TO LOWER, REMOVE, RECONSTRUCT, OR EQUIP SUCH structure or use or tree AS MAY BE NECESSARY TO CONFORM TO these zoning REGULATIONS. IF THE OWNER OF THE NON-CONFORMING STRUCTURE or use or tree SHALL NEGLECT OR REFUSE TO COMPLY WITH SUCH ORDER within ten DAYS AFTER NOTICE THEREOF, THE DEPARTMENT MAY PROCEED TO HAVE such structure or use or tree SO LOWERED, REMOVED, RECONSTRUCTED OR EQUIPPED AND SHALL HAVE A LIEN, ON BEHALF OF THE STATE, UPON THE LAND WHEREON IT IS OR WAS LOCATED, IN THE AMOUNT OF THE COST AND EXPENSE THEREOF. SUCH LIEN MAY BE ENFORCED BY THE DEPARTMENT ON BEHALF OF THE STATE BY suit in equity FOR THE ENFORCEMENT THEREOF AS IN THE CASE OF OTHER LIENS. (Section 23 of the Act)
c) The Department shall issue an order if it is determined that the non-conforming structure or use or tree

interferes with traffic patterns at the airport. In making such a determination the Department shall consider factors which include, but are not limited to, the type of aircraft using the airport, and whether or not the airport has precision instrument or instrument runways.

Section 18.80 Variances

a) General - ANY PERSON wishing to erect or increase the height of ANY STRUCTURE, OR PERMIT any GROWTH, OR USE HIS PROPERTY not in accordance with these ZONING REGULATIONS, MAY APPLY TO THE DEPARTMENT FOR A VARIANCE FROM these ZONING REGULATIONS. SUCH VARIANCES SHALL BE ALLOWED WHERE it is found that A LITERAL APPLICATION OR ENFORCEMENT OF these ZONING REGULATIONS WOULD RESULT IN PRACTICAL DIFFICULTY OR UNNECESSARY HARDSHIP AND THE RELIEF GRANTED WOULD NOT BE CONTRARY TO THE PUBLIC INTEREST BUT WOULD DO SUBSTANTIAL JUSTICE AND BE IN ACCORDANCE WITH THE SPIRIT OF these ZONING REGULATIONS. (Section 24 of the Act)

b) Marking and Lighting - Any Variance granted by the Department may be so conditioned as to require the owner of such structure or tree to permit, at the expense of the owner, the installation, operation and maintenance of such markers and lights as may be required to indicate to pilots the presence of such structure or tree.

c) In making the determination to allow variances the Department will consider, but is not limited to considering, the proximity of the hazard to the normal flight path or traffic patterns at the airport, the proximity of other non-conforming uses, structures or trees which would impair the use of the airport, the height of the object, the volume of air traffic at the airport, the type of aircraft using the airport, the type of navigational aids used at the airport, the length and width of existing runways, and plans for future expansion of the airport.

Section 18.90 Notice of Construction or Alteration

a) Construction or Alteration Requiring Notice - The Department shall be notified by each person (sponsor) who proposes any of the following construction or alterations with respect to the surfaces and height

limitations established by Section 18.30 with respect to Aurora Municipal Airport:

1) Any construction or alteration of more than 200 feet in height above the ground level at its site.
2) Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes:
   A) 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of the airport, with at least one runway more than 3200 feet in actual length.
   B) 50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of the airport, with the longest runway not more than 3200 feet in actual length.
3) Any highway, railroad, or other traverse way for mobile objects, of a height which, if adjusted upward 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance, 15 feet for any other public roadway, 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road, 23 feet for a railroad, and for a waterway or any other traverse way not previously mentioned, an amount equal to the highest mobile object that would normally traverse it, would exceed a standard of subsection (a)(1) or (a)(2).
4) Any construction or alteration that would exceed a standard of the Act or this Part.

b) Construction or Alteration Not Requiring Notice - No person is required to notify the Department for any of the following construction or alterations with respect to Aurora Municipal Airport:

1) Any antenna structure of 20 feet or less in height except one that would increase the height of another antenna structure.
2) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device less than 50 feet in height.
3) Any object that would be shielded by permanent and substantial existing structures of equal or greater height or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident

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beyond all reasonable doubt that the structure so shielded will not obstruct or interfere with aircraft using the airport, or cause any additional adverse effect on airport operations by considering the height and location of the existing uses and structures.

c) Form and Time of Notice

1) Each person who is required to notify the Department under subsection (a) shall forward one executed form set (in four copies) of the Department's Form No. DA-39 (for an example, see Exhibit A) to the Division of Aeronautics, One Langhorne Bond Drive/Capital Airport, Springfield, Illinois 62706. Copies of this form may be obtained from the Department.

2) Such notice must be submitted at least 30 days before the date the proposed construction or alteration is to begin.

3) In the case of an emergency involving essential public services, public health, or public safety, that requires immediate construction or alteration, the 30-day requirement in subsection (c)(2) does not apply and the notice may be sent by telephone, telegraph, or other expeditious means, with an executed Department Form No. DA-39 submitted within five days. For example, an emergency could include breaks in sewer lines, gas mains or power lines.

d) Acknowledgment of Notice

1) The Department will acknowledge in writing the receipt of such notice submitted under subsection (a) within 30 days of receipt of such notice.

2) The acknowledgment will state that a study of the proposed construction or alteration has resulted in a determination that the construction or alteration:

A) Would under federal rules require lighting or marking standards as prescribed in Advisory Circular, Department of Transportation, Federal Aviation Administration (FAA), Subject: Obstruction, Marking and Lighting, AC No: 70/7460-1, as provided in 14 CFR 77.11 (b)(3), January 1, 1990, not including any later amendment or editions, and information on how the structure should be marked and lighted in accordance with such FAA standards; and/or

B) Would not exceed any standard of the Act or this Part; or

C) Would exceed a standard of the Act, Aviation

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Safety Rules (92 Ill. Adm. Code 14), or this Part; or

D) Would require supplemental information from the sponsor in order for a determination to be made by the Department.

Section 18.100 Enforcement

It shall be the duty of the Department to administer and enforce this Part. Applications for permits or variances, required by this Part to be submitted to the Department, shall be on forms furnished by the Department and shall be promptly considered and granted or denied.

Section 18.110 Appeal and Judicial Review

a) APPEAL - ANY PERSON AGGRIEVED BY ANY DECISION OF THE DEPARTMENT MADE IN ADMINISTRATION OF THIS PART MAY APPLY TO THE DEPARTMENT TO REVERSE, WHOLLY OR PARTLY, OR MODIFY, OR OTHERWISE CHANGE, ABROGATE OR RESCIND ANY SUCH DECISION. THE PROCEDURE PRESCRIBED BY THE ACT FOR PROCEEDINGS BEFORE BOARD OF APPEAL SHALL GOVERN SUCH APPLICATION TO THE DEPARTMENT. (Section 29 of the Act)

b) Judicial Review - Any person aggrieved, or any taxpayer affected by any decision of the Department may appeal to the Circuit Court of Kane County, Illinois, or Circuit Court of any county in which the airport hazard is wholly or partly located, in accordance with the provisions of an Act entitled The Administrative Review Law (Ill. Rev. Stat. 1989, ch. 110, pars. 3-101 et seq.).

Section 18.120 Penalties

Each violation of this Part or of ANY REGULATIONS, ORDERS, OR RULINGS PROMULGATED hereunder shall constitute an airport hazard and a PETTY OFFENSE, and such hazard shall be removed by proper legal proceedings and EACH DAY A VIOLATION CONTINUES TO EXIST SHALL CONSTITUTE A SEPARATE OFFENSE. IN ADDITION, THE DEPARTMENT MAY INSTITUTE IN THE Circuit Court of Kane County, Illinois, or CIRCUIT COURT OF ANY COUNTY IN WHICH THE AIRPORT HAZARD is wholly or partly LOCATED, AN ACTION TO PREVENT and RESTRAIN, CORRECT OR ABATE, ANY VIOLATION OF these ZONING REGULATIONS, OR OF ANY regulation, ORDER OR RULING MADE IN

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CONNECTION WITH THEIR ADMINISTRATION OR ENFORCEMENT, AND THE COURT SHALL ADJUDGE SUCH RELIEF BY WAY OF INJUNCTION (WHICH MAY BE MANDATORY) OR OTHERWISE, AS MAY BE PROPER UNDER ALL THE FACTS AND CIRCUMSTANCES OF THE CASE, IN ORDER FULLY TO EFFECTUATE THE PURPOSES OF these zoning REGULATIONS as ADOPTED AND ORDERS AND RULINGS MADE PURSUANT THERETO. (Section 34 of the Act)

Section 18.130 Conflicting Regulations

Where a conflict exists between this Part and any other regulations or ordinances applicable to the same area, whether the conflict be with respect to the height of structures, or trees, the use of land, or any other matter, the more stringent regulation or ordinance shall govern and prevail.

Section 18.140 Severability

If any of the provisions of this Part or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Part which can be given effect without the invalid provision or application, and to this end, the provisions of this Part are declared to be severable.

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Section 18.Exhibit A **Proposed Construction Permit Request**

ILLINOIS DEPARTMENT OF TRANSPORTATION
Division of Aeronautics

Name of Individual or Company
Making Request_____
Address_____
Street City Zip Phone

Nature and Description of Proposed Structure:

___ New Construction	
___ Alteration	
Nearest Town:	
Location from Nearest Town	
Direction	Distance
Nearest Airport:	
From Nearest Point to a Runway	
Direction	Distance
Latitude	Longitude
o ' "	' "

Proposed Heights and Elevations

Site Elevation (Mean Sea Level)		Feet
Highest Point of Structure Above Ground		Feet
Overall Height above Mean Sea Level		Feet
Estimated Construction Starting Date		
Estimated Construction Completion Date		
Type of Structure:	Permanent	Temporary
Will Structure be Obstruction Lighted:	Yes	No
Will Structure be Obstruction Marked:	Yes	No

Remarks:

Date:	Title or Position:	Signature

The Illinois Department of Transportation is requesting disclosure of information that is necessary to accomplish the statutory purpose as outlined under Section 1 of the Airport Zoning Act (Ill.Rev.Stat. 1989, ch. 15 1/2, par. 48.1). Disclosure of this information is REQUIRED. Failure to provide any information will result in denial of the construction permit. This form has been approved by the Forms Management Center.
DA-39 (Rev. 1-87) IL 494-0765

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1) Heading of Part: Dupage Airport Hazard Zoning

2) Code Citation: 92 Ill. Adm. Code 37

3) Section Numbers: Proposed Action:

37.10	37.80	37. Exhibit A	New Section
37.20	37.90		New Section
37.30	37.100		New Section
37.40	37.110		New Section
37.50	37.120		New Section
37.60	37.130		New Section
37.70	37.140		New Section

4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 15 1/2, par. 48.17

5) A complete description of the subjects and issues involved:

This Part provides for the establishment of an airport hazard area in the vicinity of Dupage Airport. This Part provides for the safety of aircraft and persons on the ground by governing surfaces and height limitations in respect to structures erected or altered in the vicinity of the airport.

6) Will this proposed rulemaking replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: Rules do not affect units of local government.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Any interested party may submit written comments or arguments concerning this proposed rule. Written

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submissions shall be filed with:

Mr. Valjean R. Smith
Assistant Chief Counsel
Department of Transportation
Division of Aeronautics
One Langhorne Bond Drive / Capital Airport
Springfield, Illinois 62707
(217) 785-5821

Comments received within thirty days of the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis: Rules do not affect small businesses.

The full text of the Proposed Rule(s) begins on the next page:

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NOTICE OF PROPOSED RULE

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER b: AERONAUTICS

PART 37
DUPAGE AIRPORT
HAZARD ZONING

Section
37.10 Introduction
37.20 Definitions
37.30 Surfaces and Height Limitations
37.40 Use Restrictions
37.50 Non-Conforming Uses
37.60 Permits
37.70 Non-Conforming Structures or Uses or Trees Abandoned or Destroyed
37.80 Variances
37.90 Notice of Construction or Alteration
37.100 Enforcement
37.110 Appeal and Judicial Review
37.120 Penalties
37.130 Conflicting Regulations
37.140 Severability
EXHIBIT A Proposed Construction Permit Request

AUTHORITY: Implementing and authorized by Section 17 of the Airport Zoning Act (Ill. Rev. Stat. 1989, ch. 15 1/2, par. 48.17).

SOURCE: Added at 14 Ill. Reg. _____, effective _____ _____.

NOTE: Capitalization denotes statutory language.

Section 37.10 Introduction

a) This Part regulates and restricts the height of structures and trees, and otherwise regulates the use of property in the vicinity of the Dupage Airport by creating appropriate surfaces, and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such surfaces, defining certain terms used herein; referring to the Dupage Aiport zoning map (Note: This zoning map can be viewed at the Department of Transportation, Division of Aeronautics, One Langhorne Bond Drive/Capital

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Airport, Springfield, Illinois 62706. For an example of this information see 92 Ill. Adm. Code 18. Exhibits A, B and C); providing for enforcement; imposing penalties in the interest of public safety and welfare; and providing for notice of construction or alteration.

b) This Part is adopted at the request of the Dupage Airport Authority, as owner and operator of Dupage Airport, pursuant to the authority conferred by the Airport Zoning Act (Act) (Ill. Rev. Stat. 1989, ch. 15 1/2, pars. 48.1 et seq.). IT IS HEREBY FOUND THAT AN AIRPORT HAZARD ENDANGERS THE LIVES AND PROPERTY OF USERS OF Dupage Airport AND OF OCCUPANTS OF LAND or property IN ITS VICINITY, AND ALSO, IF OF THE OBSTRUCTION TYPE, IN EFFECT REDUCES THE SIZE OF THE AREA AVAILABLE FOR THE LANDING, TAKING-OFF AND MANEUVERING OF AIRCRAFT, THUS TENDING TO DESTROY OR IMPAIR THE UTILITY OF Dupage Airport AND THE PUBLIC INVESTMENT THEREIN.

1) ACCORDINGLY, IT IS DECLARED:

A) THAT THE CREATION OR ESTABLISHMENT OF AN AIRPORT HAZARD IS A PUBLIC NUISANCE AND AN INJURY TO THE region SERVED BY Dupage Airport;

B) THAT IT IS NECESSARY IN THE INTEREST OF THE PUBLIC HEALTH, PUBLIC SAFETY AND GENERAL WELFARE THAT THE CREATION OR ESTABLISHMENT OF AIRPORT HAZARDS BE PREVENTED; AND

C) that the prevention of these hazards SHOULD BE ACCOMPLISHED TO THE EXTENT LEGALLY POSSIBLE, BY THE EXERCISE OF THE POLICE POWER, WITHOUT COMPENSATION.

2) IT IS FURTHER DECLARED THAT BOTH THE PREVENTION OF THE CREATION OR ESTABLISHMENT OF AIRPORT HAZARDS AND THE ELIMINATION, REMOVAL, ALTERATION, MITIGATION, OR MARKING AND/or LIGHTING OF EXISTING AIRPORT HAZARDS ARE PUBLIC PURPOSES FOR WHICH POLITICAL SUBDIVISIONS MAY RAISE AND EXPEND PUBLIC FUNDS AND ACQUIRE LAND or interests in land. (Section 11 of the Act)

Section 37.20 Definitions

As used in this Part, unless the context otherwise requires:

"Airport" - The Dupage Airport located near West Chicago, situated in the West 1/2 of the Southwest 1/4 of Section 29; the East 1/2 of the Southwest 1/4 of Section 30; the Northwest 1/4 of the Northwest 1/4 of Section 32; and that part of the North 1/2 of Section

31; lying North of the Chicago and Northwestern Railroad; all in Township 40 North, Range 9 East of the Third Principal Meridian, Dupage County, Illinois.

"Airport Elevation" - The established elevation of the highest point on the usable landing strip; the established airport elevation shall be 757 feet above mean sea level (AMSL).

"Airport Hazard" - ANY STRUCTURE, TREE, OR USE OF LAND WHICH OBSTRUCTS THE AIRSPACE REQUIRED FOR, OR IS OTHERWISE HAZARDOUS TO THE FLIGHT OF AIRCRAFT IN LANDING OR TAKING-OFF AT THE AIRPORT. (Section 3 of the Act)

"Airport Reference Point" - The point established as the approximate geographic center of the airport landing area and so designated as at Latitude 41° 54' 52" N and Longitude 88° 14' 48" W.

"Alteration" - Any construction which would result in a change in height or lateral dimensions of an existing structure.

"Approach, Transitional, Horizontal and Conical Surfaces" - These surfaces are defined in Section 37.30.

"Circling Approach Area" - That obstacle clearance area which shall be considered for aircraft maneuvering to land on a runway which is not aligned with the final approach course of the approach procedure.

"Construction" - The erection or alteration of any structure either of a permanent or temporary character.

"Department" - The Department of Transportation, Division of Aeronautics of the State of Illinois.

"Departure Area" - That area which begins at the departure end of the runway and has a beginning width of 1000' (500' from centerline). The area splays 15° on each side of the extended runway centerline for a distance of 2 Nautical Miles (NM). Additionally, it includes a second surface that extends radially from a point on the runway centerline located 2,000' from the start end of the runway and extends the distance necessary to provide a 40:1 obstacle identification surface to reach the minimum altitudes authorized for en route operations.

"Final Approach Segment" - That area of an approach

where the aircraft makes final alignment and descent for landing.

"Flight Safety Coordinator" - An employee of the Department whose duties include, but are not limited to inspection of airports, review of complaints concerning uses of property in the vicinity of airports and inspection of structures, uses and trees in the vicinity of airports to determine if such structures, uses or trees impair the use of the airport by aircraft.

"Height" - The overall height of the top of a structure including any appurtenances installed thereon, for the purpose of determining the height limits in all zones set forth in this Part and shown on the zoning map, the datum of which shall be mean sea level elevation unless otherwise specified.

"Initial Approach Segment" - That area of an instrument approach between a point where aircraft departs the enroute phase of flight and is maneuvering to enter an intermediate segment. Such approach segments may be made along an arc, radial, course, heading, radar vector or a combination of thereof.

"Intermediate Approach Segment" - That area of an approach between the initial and final approach segments where the aircraft adjusts configuration, speed and positioning along positive course guidance such as radial or course.

"Landing Area" - The area of the airport used for the landing, taking-off or taxiing of aircraft including the unprepared surfaces adjacent to the existing runways.

"Minimum Instrument Flight Altitude" - An altitude established for instrument flight between radio fixes that provides obstacle clearance over the terrain and manmade objects and adequate for navigational performance and communications requirements.

"Non-Conforming Use" - Any structure, tree, or use of land which is lawfully in existence at the time this Part or an amendment thereto becomes effective and does not then meet the requirements of this Part.

"Non-Precision Instrument Runway" - A runway having an existing instrument approach utilizing air navigation

facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in, non-precision instrument approach procedure has been approved by the Federal Aviation Administration [FAA], or planned, and for which no precision approach facilities are planned, or indicated on an FAA planning document or military service, military airport planning document.

"Obstacle Clearance" - The vertical distance between the lowest authorized flight altitudes and a prescribed surface within a specified area.

"Permit" - A permit issued by the Department of Transportation, Division of Aeronautics, pursuant to Section 37.60 of this Part.

"Person" - An INDIVIDUAL, FIRM, partnership, CORPORATION, COMPANY, ASSOCIATION, JOINT STOCK ASSOCIATION, OR BODY POLITIC, and includes a TRUSTEE, RECEIVER, ASSIGNEE, administrator, executor, guardian, OR OTHER REPRESENTATIVE, AND INCLUDING THIS STATE and the Division of Aeronautics. (Section 7 of the Act)

"Political Subdivision" - ANY MUNICIPALITY, CITY, INCORPORATED TOWN, VILLAGE, COUNTY, TOWNSHIP, DISTRICT, OR AUTHORITY, OR ANY COMBINATION OF TWO OR MORE THEREOF, situated in whole or in part within any of the surfaces established by Section 37.30. (Section 6 of the Act)

"Precision Instrument Runway" - A precision instrument runway is one which uses an instrument landing system (ILS) or precision approach radar (PAR). A planned precision instrument runway is one for which a precision approach system is indicated on a Department approved Airport Layout Plan, which is on file at the Department of Transportation, Division of Aeronautics, Bureau of Engineering, One Langhorne Bond Drive/Capital Airport, Springfield, Illinois 62706.

"Runway" - An area of the airport designated for the landing or taking off of aircraft and consisting of turf or concrete, asphalt, oil and chip or other composite material that forms an all weather surface other than turf.

"Slope Ratio" - A numerical expression of a stated relationship of height to horizontal distance, e.g. 100

to 1 means one hundred feet of horizontal distance for each one foot vertically.

"State" - THE STATE OF ILLINOIS. (Section 8 of the Act)

"Structure" - Any form of construction or apparatus of a permanent or temporary character, constructed or installed by man, including any implements or material used in the erection, alteration or repair of such structure, including but without limitation, buildings, towers, smokestacks, and overhead transmission lines.

"Terminal Obstacle Clearance Area" - That area near an airport that contains the initial, intermediate and final approach segments, circling and departure areas which are a part of an instrument approach procedure.

"Tree" - Any object of natural growth.

"Utility Runway" - A runway that is constructed for and intended to be used for propeller driven aircraft of 12,500 pounds maximum gross weight or less.

"Variance" - A grant of relief by the Department from the requirements of this Part, in accordance with Section 37.80.

"Visibility Minimums" - The lowest forward horizontal distance from the cockpit of an aircraft in flight at which prominent unlighted objects may be seen and identified by day and prominent lighted objects may be seen and identified by night.

"Visual Runway" - A visual runway is a runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on a Department approved Airport Layout Plan, which is on file at the Department of Transportation, Division of Aeronautics, Bureau of Engineering, One Langhorne Bond Drive/Capital Airport, Springfield, Illinois 62706.

Section 37.30 Surfaces and Height Limitations

a) Establishment and Creation
1) The following airport imaginary surfaces are established with relation to the airport and to

each runway. The size of each such imaginary surface is based on the category of each runway according to the type of approach available or planned for that runway. The slope and dimensions of the approach surface applied to each end of a runway are determined by the most precise approach existing or planned for that runway end.

2) Such airport imaginary surfaces are hereby created and established in order to carry out the provisions of this Part. Such surfaces shall include all of the land lying within the horizontal surface, conical surface, primary surface, approach surface to include non-precision instrument approach, precision instrument approach and visual approach, transitional surface and circling approach surface. These surfaces are shown on the Airport Zoning Map (Note: This zoning map can be viewed at the Department of Transportation, Division of Aeronautics, One Langhorne Bond Drive/Capital Airport, Springfield, Illinois 62706. For an example of this information see 92 Ill. Adm. Code 18. Exhibits A, B and C) for Dupage Airport prepared by Crawford Murphy & Tilly, Inc., Aurora, Illinois. An area located in more than one of the following surfaces is considered to be only in the surface with the more restrictive height limitation.

3) Except as otherwise provided in this Part, no structure or tree shall be erected, altered, allowed to grow, or maintained in any surface created by this Part to a height in excess of the height limit herein established for such surfaces.

4) The various surfaces are hereby established, and height limitations are hereby established for each of the surfaces, as follows:

b) Horizontal Surface

1) A horizontal plane 150 feet above the established airport elevation of 654 feet Above Mean Sea Level (AMSL), the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:

A) 5,000 feet for all runways designated as utility or visual;

B) 10,000 feet for all other runways.

2) The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for

either end of the runway. When a 5,000 foot arc is encompassed by tangents connecting two adjacent 10,000 foot arcs, the 5,000 foot arc shall be disregarded on the construction of the perimeter of the horizontal surface. The horizontal surface does not include the approach and transitional surfaces.

c) Conical Surface

1) A surface extending outward and upward from the periphery of the horizontal surface, at 150 feet above the airport elevation, at a slope of 20 feet horizontally for each foot vertically for a horizontal distance of 4,000 feet.

2) The conical surface does not include the approach surfaces to the precision instrument runways and the transitional surfaces.

d) Primary Surface

1) A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of a primary surface is:

A) 250 feet for utility runways having only visual approaches;

B) 500 feet for utility runways having non-precision instrument approaches;

C) For other than utility runways, the width is:

i) 500 feet for visual runways having only visual approaches;

ii) 500 feet for non-precision instrument runways having visibility minimums greater than three-fourths statute miles;

iii) 1,000 feet for a non-precision instrument runway having a non-precision instrument approach with visibility minimums as low as three-fourths statute mile, and for precision instrument runways.

2) The width of the primary surface of a runway will be the width prescribed in this Section for the most precise approach existing or planned for either end of that runway.

e) Approach Surface - A surface longitudinally centered on the extended runway centerline and extending outward

and upward from each end of the primary surface. An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.

1) The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:
   A) 1,250 feet for that end of a utility runway with only visual approaches;
   B) 1,500 feet for that end of a runway other than a utility runway with only visual approaches;
   C) 2,000 feet for that end of a utility runway with a non-precision instrument approach;
   D) 3,500 feet for that end of a non-precision instrument runway other than utility, having visibility minimums greater than three-fourths statute mile;
   E) 4,000 feet for that end of a non-precision instrument runway, other than utility, having a non-precision instrument approach with visibility minimums as low as three-fourths statute mile; and
   F) 16,000 feet for precision instrument runways.
2) The approach surface extends for a horizontal distance of:
   A) 5,000 feet at a slope of 20 feet horizontally for each foot vertically for all utility and visual runways;
   B) 10,000 feet at a slope of 34 feet horizontally for each foot vertically for all non-precision instrument runways other than utility; and
   C) 10,000 feet at a slope of 50 feet horizontally for each foot vertically with an additional 40,000 feet at a slope of 40 feet horizontally for each foot vertically for all precision instrument runways.
3) The outer width of an approach surface to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.

f) Transitional Surface - These surfaces extend outward and upward at right (90°) angles to the runway centerline and the runway centerline extended at a slope of 7 feet horizontally for each foot vertically beginning at the sides of and at the same elevation of the primary surface and the approach surfaces extending to a height of 150 feet above the airport elevation

which is 654 feet AMSL. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at right (90°) angles to the runway centerline.

g) Circling Approach Surface - This is a surface 200 feet above ground level (AGL) or above the established airport elevation, whichever is greater, within three (3) nautical miles of the established reference point of Dupage Airport and this surface increases in height in the proportion of 100 feet for each additional nautical mile of distance from the airport reference point up to a maximum of 500 feet.

h) A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

i) Excepted Height Limitations - Nothing in this Part shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a height up to 50 feet above the ground.

Section 37.40 Use Restrictions

Notwithstanding any other provisions of this Part, no use may be made of land or water within any surface established by this Part as follows:

a) Electrical or Electronic Interference
   1) In such a manner as to create electrical or electronic interference with navigational signals or radio or radar communication between the airport and aircraft.
   2) If a complaint of such interference is received by the Department, a Flight Safety Coordinator shall determine if a hazard exists by observing all relevant factors including the type of aircraft using the airport, the traffic patterns at the airport, the time of day and frequency of the interference.

b) Flashing or Illuminated Structures
   1) The installation and use of flashing or illuminated advertising or business signs, billboards, or any other type of illuminated structure which would be hazardous for pilots.

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2) In determining whether such a hazard exists, a Flight Safety Coordinator shall consider factors which include, but are not limited to, assessing the difficulty pilots have in distinguishing between airport lights and others, or which result in glare in the eyes of pilots using the airport, thereby impairing visibility in the vicinity of the airport or endangering the landing, taking off or maneuvering of aircraft, the proximity of the illuminated structure to the airport, and the traffic patterns at the airport.

c) Smoke

1) A use which would emit or discharge smoke that would interfere with the health and safety of pilots and the public in the use of the airport, or which would otherwise be detrimental or injurious to the health, safety and general welfare of the public in the use of the airport.

2) In determining if such an emission or discharge of smoke would interfere with the health and safety of pilots and the public, a Flight Safety Coordinator shall consider all relevant factors which include, but are not limited to the density of the smoke, frequency of the emission or discharge, source of the smoke, general weather patterns in the vicinity, time of day, and volume and type of aircraft which use the airport.

Section 37.50 Non-Conforming Uses

a) Regulations Not Retroactive - Those surface regulations prescribed by this Part shall not be construed to require the removal, lowering or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this Part or otherwise interfere with the continuance of any non-conforming use. Nothing contained in this Part shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Part and is diligently prosecuted.

b) Marking and Lighting

1) Notwithstanding the provisions of subsection (a), the owner of any existing non-conforming structure is required to permit the installation, operation and maintenance of such markers and lights as shall be deemed necessary by the Department to

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indicate to operators of aircraft in the vicinity of the airport, the presence of such airport hazards, all to be performed at the expense of the City of West Chicago.

2) In determining the necessity for such markers and lights, the Department shall consider all relevant conditions, including but not limited to, the traffic patterns, volume and type of aircraft at the airport, the general weather patterns in the vicinity, the topography of the airport and the surrounding area, and the height of the structure and its proximity to the approach and transition slopes of the existing runways.

Section 37.60 Permits

a) Future Uses - Except as specifically provided in subsections (1), (2), and (3), no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted, or otherwise established in any surface created unless a permit shall have been applied for and granted by the Department. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations prescribed in this Part. If such determination is in the affirmative, the permit shall be granted.

1) In the area lying within the limits of the horizontal surface and the conical surface, but which is not in violation of height restrictions of primary, transitional and approach surfaces as set forth in this Part, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground or in any approach and transitional surfaces beyond a horizontal distance of 4,200 feet from each end of the runway, except when, because of terrain, land contour or topographic features such tree or structure, would extend above the height limits prescribed for such surface.

2) In the areas lying within the limits of visual, precision instrument and non-precision instrument approach surfaces, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure would extend above the height

limit prescribed for such visual, precision instrument or non-precision instrument approach surfaces.

3) In the areas lying within the limits of the transitional surface beyond the perimeter of the horizontal surface, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground except when such tree or structure, because of terrain, land contour or topographic features would extend above the height limit prescribed for such transitional surface.

b) Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or tree in excess of any of the height limits prescribed by this Part.

Section 37.70 Non-Conforming Structures or Uses or Trees Abandoned or Destroyed

Whenever the Department following a Flight Safety Coordinator's personal inspection, observation and estimation, DETERMINES THAT A NON-CONFORMING STRUCTURE or use or tree HAS BEEN ABANDONED OR MORE THAN 80 PER CENT demolished, DESTROYED, physically DETERIORATED, OR DECAYED:

a) NO PERMIT SHALL BE GRANTED by the Department THAT WOULD ALLOW SUCH STRUCTURE or use or tree TO EXCEED THE APPLICABLE HEIGHT LIMIT OR OTHERWISE DEVIATE FROM these ZONING REGULATIONS; AND

b) WHETHER APPLICATION IS MADE FOR A PERMIT, OR NOT, THE DEPARTMENT MAY issue an order pursuant to subsection (c), in cases where the remaining structure or use or tree constitutes a violation of this Part, compelling THE OWNER OF THE NON - CONFORMING STRUCTURE or use or tree, AT HIS OWN EXPENSE, TO LOWER, REMOVE, RECONSTRUCT, OR EQUIP SUCH structure or use or tree AS MAY BE NECESSARY TO CONFORM TO these zoning REGULATIONS. IF THE OWNER OF THE NON-CONFORMING STRUCTURE or use or tree SHALL NEGLECT OR REFUSE TO COMPLY WITH SUCH ORDER within ten DAYS AFTER NOTICE THEREOF, THE DEPARTMENT MAY PROCEED TO HAVE such structure or use or tree SO LOWERED, REMOVED, RECONSTRUCTED OR EQUIPPED AND SHALL HAVE A LIEN, N BEHALF OF THE STATE, UPON THE LAND WHEREON IT IS OR WAS LOCATED, IN THE AMOUNT OF THE COST AND EXPENSE THEREOF. SUCH LIEN MAY BE ENFORCED BY THE DEPARTMENT ON BEHALF OF THE STATE BY suit in equity FOR THE

ENFORCEMENT THEREOF AS IN THE CASE OF OTHER LIENS. (Section 23 of the Act)

c) The Department shall issue an order if it is determined that the non-conforming structure or use or tree interferes with traffic patterns at the airport. In making such a determination the Department shall consider factors which include, but are not limited to, the type of aircraft using the airport, and whether or not the airport has precision instrument or instrument runways.

Section 37.80 Variances

a) General - ANY PERSON wishing to erect or increase the height of ANY STRUCTURE, OR PERMIT any GROWTH, OR USE HIS PROPERTY not in accordance with these ZONING REGULATIONS, MAY APPLY TO THE DEPARTMENT FOR A VARIANCE FROM these ZONING REGULATIONS. SUCH VARIANCES SHALL BE ALLOWED WHERE it is found that A LITERAL APPLICATION OR ENFORCEMENT OF these ZONING REGULATIONS WOULD RESULT IN PRACTICAL DIFFICULTY OR UNNECESSARY HARDSHIP AND THE RELIEF GRANTED WOULD NOT BE CONTRARY TO THE PUBLIC INTEREST BUT WOULD DO SUBSTANTIAL JUSTICE AND BE IN ACCORDANCE WITH THE SPIRIT OF these ZONING REGULATIONS. (Section 24 of the Act)

b) Marking and Lighting - Any Variance granted by the Department may be so conditioned as to require the owner of such structure or tree to permit, at the expense of the owner, the installation, operation and maintenance of such markers and lights as may be required to indicate to pilots the presence of such structure or tree.

c) In making the determination to allow variances the Department will consider, but is not limited to considering, the proximity of the hazard to the normal flight path or traffic patterns at the airport, the proximity of other non-conforming uses, structures or trees which would impair the use of the airport, the height of the object, the volume of air traffic at the airport, the type of aircraft using the airport, the type of navigational aids used at the airport, the length and width of existing runways, and plans for future expansion of the airport.

Section 37.90 Notice of Construction or Alteration

a) Construction or Alteration Requiring Notice - The

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Department shall be notified by each person (sponsor) who proposes any of the following construction or alterations with respect to the surfaces and height limitations established by Section 37.30 with respect to Dupage Airport:

1) Any construction or alteration of more than 200 feet in height above the ground level at its site.
2) Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes:
   A) 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of the airport, with at least one runway more than 3200 feet in actual length.
   B) 50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of the airport, with the longest runway not more than 3200 feet in actual length.
3) Any highway, railroad, or other traverse way for mobile objects, of a height which, if adjusted upward 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance, 15 feet for any other public roadway, 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road, 23 feet for a railroad, and for a waterway or any other traverse way not previously mentioned, an amount equal to the highest mobile object that would normally traverse it, would exceed a standard of subsection (a)(1) or (a)(2).
4) Any construction or alteration that would exceed a standard of the Act or this Part.

b) Construction or Alteration Not Requiring Notice - No person is required to notify the Department for any of the following construction or alterations with respect to Dupage Airport:

1) Any antenna structure of 20 feet or less in height except one that would increase the height of another antenna structure.
2) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device less than 50 feet in height.
3) Any object that would be shielded by permanent and substantial existing structures of equal or greater height or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not obstruct or interfere with aircraft using the airport, or cause any additional adverse effect on airport operations by considering the height and location of the existing uses and structures.

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c) Form and Time of Notice

1) Each person who is required to notify the Department under subsection (a) shall forward one executed form set (in four copies) of the Department's Form No. DA-39 (for an example, see Exhibit A) to the Division of Aeronautics, One Langhorne Bond Drive/Capital Airport, Springfield, Illinois 62706. Copies of this form may be obtained from the Department.
2) Such notice must be submitted at least 30 days before the date the proposed construction or alteration is to begin.
3) In the case of an emergency involving essential public services, public health, or public safety, that requires immediate construction or alteration, the 30-day requirement in subsection (c)(2) does not apply and the notice may be sent by telephone, telegraph, or other expeditious means, with an executed Department Form No. DA-39 submitted within five days. For example, an emergency could include breaks in sewer lines, gas mains or power lines.

d) Acknowledgment of Notice

1) The Department will acknowledge in writing the receipt of such notice submitted under subsection (a) within 30 days of receipt of such notice.
2) The acknowledgment will state that a study of the proposed construction or alteration has resulted in a determination that the construction or alteration:
   A) Would under federal rules require lighting or marking standards as prescribed in Advisory Circular, Department of Transportation, Federal Aviation Administration (FAA), Subject: Obstruction, Marking and Lighting, AC No: 70/7460-1, as provided in 14 CFR 77.11 (b)(3), January 1, 1990, not including any later amendment or editions, and information on how the structure should be marked and lighted in accordance with such

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FAA standards; and/or

B) Would not exceed any standard of the Act or this Part; or

C) Would exceed a standard of the Act, Aviation Safety Rules (92 Ill. Adm. Code 14), or this Part; or

D) Would require supplemental information from the sponsor in order for a determination to be made by the Department.

Section 37.100 Enforcement

It shall be the duty of the Department to administer and enforce this Part. Applications for permits or variances, required by this Part to be submitted to the Department, shall be on forms furnished by the Department and shall be promptly considered and granted or denied.

Section 37.110 Appeal and Judicial Review

a) APPEAL - ANY PERSON AGGRIEVED BY ANY DECISION OF THE DEPARTMENT MADE IN ADMINISTRATION OF THIS PART MAY APPLY TO THE DEPARTMENT TO REVERSE, WHOLLY OR PARTLY, OR MODIFY, OR OTHERWISE CHANGE, ABROGATE OR RESCIND ANY SUCH DECISION. THE PROCEDURE PRESCRIBED BY THE ACT FOR PROCEEDINGS BEFORE BOARD OF APPEAL SHALL GOVERN SUCH APPLICATION TO THE DEPARTMENT. (Section 29 of the Act)

b) Judicial Review - Any person aggrieved, or any taxpayer affected by any decision of the Department may appeal to the Circuit Court of Dupage County, Illinois, or Circuit Court of any county in which the airport hazard is wholly or partly located, in accordance with the provisions of an Act entitled The Administrative Review Law (Ill. Rev. Stat. 1989, ch. 110, pars. 3-101 et seq.).

Section 37.120 Penalties

Each violation of this Part or of ANY REGULATIONS, ORDERS, OR RULINGS PROMULGATED hereunder shall constitute an airport hazard and a PETTY OFFENSE, and such hazard shall be removed by proper legal proceedings and EACH DAY A VIOLATION CONTINUES TO EXIST SHALL CONSTITUTE A SEPARATE OFFENSE. IN ADDITION, THE DEPARTMENT MAY INSTITUTE IN THE Circuit Court of Dupage County,

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Illinois, or CIRCUIT COURT OF ANY COUNTY IN WHICH THE AIRPORT HAZARD is wholly or partly LOCATED, AN ACTION TO PREVENT and RESTRAIN, CORRECT OR ABATE, ANY VIOLATION OF these ZONING REGULATIONS, OR OF ANY regulation, ORDER OR RULING MADE IN CONNECTION WITH THEIR ADMINISTRATION OR ENFORCEMENT, AND THE COURT SHALL ADJUDGE SUCH RELIEF BY WAY OF INJUNCTION (WHICH MAY BE MANDATORY) OR OTHERWISE, AS MAY BE PROPER UNDER ALL THE FACTS AND CIRCUMSTANCES OF THE CASE, IN ORDER FULLY TO EFFECTUATE THE PURPOSES OF these zoning REGULATIONS as ADOPTED AND ORDERS AND RULINGS MADE PURSUANT THERETO. (Section 34 of the Act)

Section 37.130 Conflicting Regulations

Where a conflict exists between this Part and any other regulations or ordinances applicable to the same area, whether the conflict be with respect to the height of structures, or trees, the use of land, or any other matter, the more stringent regulation or ordinance shall govern and prevail.

Section 37.140 Severability

If any of the provisions of this Part or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Part which can be given effect without the invalid provision or application, and to this end, the provisions of this Part are declared to be severable.

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Section 37.Exhibit A Proposed Construction Permit Request

ILLINOIS DEPARTMENT OF TRANSPORTATION
Division of Aeronautics

Name of Individual or Company
Making Request_____
Address_____
Street City Zip Phone

Nature and Description of Proposed Structure:

New Construction	
Alteration	
Nearest Town:	
Location from Nearest Town	
Direction	Distance
Nearest Airport:	
From Nearest Point to a Runway	
Direction	Distance
Latitude	Longitude
° ' "	' "

Proposed Heights and Elevations

Site Elevation (Mean Sea Level)		Feet
Highest Point of Structure Above Ground		Feet
Overall Height above Mean Sea Level		Feet
Estimated Construction Starting Date		
Estimated Construction Completion Date		
Type of Structure:	Permanent	Temporary
Will Structure be Obstruction Lighted:	Yes	No
Will Structure be Obstruction Marked:	Yes	No

Remarks:

Date:	Title or Position:	Signature

The Illinois Department of Transportation is requesting disclosure of information that is necessary to accomplish the statutory purpose as outlined under Section 1 of the Airport Zoning Act (Ill.Rev.Stat. 1989, ch. 15 1/2, par. 48.1). Disclosure of this information is REQUIRED. Failure to provide any information will result in denial of the construction permit. This form has been approved by the Forms Management Center.
DA-39 (Rev. 1-87) IL 494-0765

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: Pay Plan

2) The Code Citation: 80 Ill. Adm. Code 310

3)

Section Number:	Adopted Action:
310.230	Amended
310. App. A, Table D	Amended
310. App. A, Table E	Amended
310. App. A, Table F	Amended

4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 127, par. 63b108a(2)

5) Effective Date of Amendment: February 14, 1991

6) Does this rulemaking contain an automatic repeal date? __Yes _X No
If "yes", please specify date:

7) Does this amendment contain incorporation by reference? No
If "yes", was a copy of the approval form issued by JCAR attached to this rulemaking?

These amendments do not contain any incorporations by reference.

8) Date filed in Agency's Principle Office: February 14, 1991

9) Notice of Proposal Published in Illinois Register:

September 14, 1990; Issue #37, 14 Ill. Reg. 14657

10) Has JCAR issued a Statement of Objections to this rule? No
If answer is "yes", please complete the following:

A) Statement of Objection: _____, ___ Ill. Reg. _____
(Issue Date)

B) Agency Response: _____, ___ Ill. Reg. _____
(Issue Date)

C) Date Agency Response Submitted for Approval to JCAR?

11) Difference between proposal and final version: None

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace an emergency amendment currently in effect? No

14) Are there any amendments pending to this part? Yes

Section Numbers	Proposed Action	Ill. Reg. Citation
310. Appendix C	Amended	14 Ill. Reg. 15570 (September 21, 1990)

15) Summary and Purpose of Amendment:

In Section 310.230, the Student Worker's maximum hourly rate was increased from $6.00 to $8.00 at the request of the Department of Agriculture.

In Section 310. Tables D, E and F, the provisions in the contracts for Teamsters Local #726, #330 and #25 provided for the establishment of a $.10 increase for employees permanently assigned to the bridge crew. The additional compensation applies only for the following titles in the Department of Transportation:

	Monthly	Hourly
Heavy Construction Equipment Operator (Bridge Crew)	$2,794.44	$16.06
Highway Maintainer (Bridge Crew)	2,695.26	15.49
Highway Maintenance Lead Worker (Bridge Crew)	2,824.02	16.23
Highway Maintenance Lead Worker (Lead Lead Worker - Bridge Crew)	2,874.48	16.52

16) Information and questions regarding these adopted amendments shall be directed to:

Name: Mr. Michael Murphy
Address: Department of Central Management Services
Division of Technical Services
504 William G. Stratton Building
Springfield, Illinois 62706

Telephone: (217) 782-5601

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND POSITION CLASSIFICATIONS
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section
310.20 Policy and Responsibilities
310.30 Jurisdiction
310.40 Pay Schedules
310.50 Definitions
310.60 Conversion of Base Salary to Pay Period Units
310.70 Conversion of Base Salary to Daily or Hourly Equivalents
310.80 Increases in Pay
310.90 Decreases in Pay
310.100 Other Pay Provisions
310.110 Implementation of Pay Plan Changes, Effective July 1, 1990
310.120 Interpretation and Application of Pay Plan
310.130 Effective Date
310.140 Reinstitution of Within Grade Salary Increases
310.150 Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section
310.205 Introduction
310.210 Prevailing Rate
310.220 Negotiated Rate
310.230 Part-Time Daily or Hourly Special Services Rate
310.240 Hourly Rate
310.250 Member, Patient and Inmate Rate
310.260 Trainee Rate
310.270 Legislated and Contracted Rate
310.280 Designated Rate
310.290 Out-of-State or Foreign Service Rate
310.300 Education Rate
310.310 Physician Specialist Rate
310.320 Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
310.330 Excluded Classes Rate (Repealed)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

SUBPART C: MERIT COMPENSATION SYSTEM

Section
310.410 Jurisdiction
310.420 Objectives
310.430 Responsibilities
310.440 Merit Compensation Salary Schedule
310.450 Procedures for Determining Annual Merit Increases
310.455 Intermittent Merit Increase
310.456 Merit Zone
310.460 Other Pay Increases
310.470 Adjustment
310.480 Decreases in Pay
310.490 Other Pay Provisions
310.500 Definitions
310.510 Conversion of Base Salary to Pay Period Units
310.520 Conversion of Base Salary to Daily or Hourly Equivalents
310.530 Implementation
310.540 Annual Merit Increase Guidechart for Fiscal Year 1991
310.550 Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

APPENDIX A Negotiated Rates of Pay
TABLE A HR-190 (Department of Central Management Services - State of Illinois Building - SEIU)
TABLE B HR-200 (Department of Labor - Chicago, Illinois - SEIU)
TABLE C RC-069 (Firefighters, AFSCME)
TABLE D HR-001 (Teamsters Local #726)
TABLE E RC-020 (Teamsters Local #330)
TABLE F RC-019 (Teamsters Local #25)
TABLE G RC-045 (Automotive Mechanics, ISEA)
TABLE H RC-006 (Corrections Employees, AFSCME)
TABLE I RC-009 (Institutional Employees, AFSCME)
TABLE J RC-014 (Clerical Employees, AFSCME)
TABLE K RC-023 (Registered Nurses, INA)
TABLE L VR-004 (Illinois State Treasurer's Office Employees, Teamsters and IFT)
TABLE M RC-027 (Educators, AFSCME) (Repealed)
TABLE N RC-027 (Physician Rates, AFSCME) (Repealed)
TABLE O RC-028 (Paraprofessional Human Services Employees, AFSCME)
TABLE P RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, ISEA)
TABLE Q RC-033 (Meat Inspectors, ISEA)
TABLE R RC-042 (Residual Maintenance Workers, AFSCME)
TABLE S HR-012 (Fair Employment Practices Employees, SEIU)
TABLE T HR-010 (Teachers of Deaf, IFT)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

TABLE U HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
TABLE V CU-500 (Corrections, Meet and Confer Employees)
TABLE W RC-062 (Technical Employees, AFSCME)
TABLE X RC-063 (Professional Employees, AFSCME)
TABLE Y RC-063 (Educators, AFSCME)
TABLE Z RC-063 (Physicians, AFSCME)
APPENDIX B Schedule of Salary Grades - Monthly and Annual Rates of Pay for Fiscal Year 1991
APPENDIX C Physician Administrator Rates and Medical Facilities Administrator Rates for Fiscal Year 1991
APPENDIX D Merit Compensation System Salary Schedule for Fiscal Year 1991
APPENDIX E Teaching Salary Schedule (Repealed)
APPENDIX F Physician and Physician Specialist Salary Schedule (Repealed)

AUTHORITY: Implementing and authorized by Section 8a(2) of the Personnel Code (Ill. Rev. Stat. 1989, ch. 127, par. 63b108a(2)).

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of

150 days; peremptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675,effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13

Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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Section 310.230 Part-Time Daily or Hourly Special Services Rate

The rate of pay as approved by the Director of Central Management Services for persons employed on a consultative or part-time basis requiring irregular hours of work shall be as listed below, except the total compensation of an employee in any given month shall not exceed the monthly rate of Step 5 of the salary grade for the title as shown in the Schedule of Salary Grades (Appendix B) if the class title is subject to the Schedule of Salary Grades, or Step 5 of the negotiated salary range for classes of positions shown in Section 310.220, Subpart B, Schedule of Rates, or 75% of the maximum rate of those classes of positions subject to the provisions of the Merit Compensation System, Subpart C of this Pay Plan.

Apiary Inspector	$10 to $50
Building-Grounds Laborer	$3.50 to $6.00 (per hour)
Building-Grounds Lead I	$3.50 to $7.00 (per hour)
Building-Grounds Lead II	$4.50 to $8.00 (per hour)
Building-Grounds Maintenance Worker	$5.00 to $6.00 (per hour)
Chaplain I	$20 to $70
Chemist I	$30 to $45
Conservation-Historic Preservation Worker	$4.50 (per hour)
Conservation-Historic Preservation Worker (2nd season -- site interpretation)	$4.64 (per hour)
Conservation-Historic Preservation Worker (3rd season -- site interpretation)	$4.78 (per hour)
Dentist I	$70 to $150
Dentist II	$100 to $185
Educator	$25 to $60
Educator Aide	$18 to $35
Guard II	$67 to $84
Hearing and Speech Coordinator	$15 to $30 (per hour)
Hearings Referee	$75 to $200
Janitor I	$4.73 to $5.30 (per hour)
Labor Maintenance Lead Worker	$5.00 to $6.00 (per hour)
Labor Relations Investigator	$35 to $70
Laboratory Technician II	$26 to $40
Laborer (Maintenance)	$3.35 to $5.50 (per hour)
Lifeguard	$3.91 (per hour)
Lifeguard Captain	$4.02 (per hour)
Maintenance Worker	$3.50 to $5.00 (per hour)
Occupational Therapist Program Coordinator	$40 to $160

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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Office Aide	$3.50 to $7.50 (per hour)
Office Assistant	$4.00 to $8.75 (per hour) $42 to $65
Office Associate	$4.00 to $9.50 (per hour)
Optometrist	$50 to $160 (daily)
Optometrist	$15 to $35 (hourly)
Physician	$100 to $300
Physician Specialist (A)	$100 to $325 (daily)
Physician Specialist (A)	$20 to $60 (hourly)
Physician Specialist (B)	$100 to $350 (daily)
Physician Specialist (B)	$20 to $70 (hourly)
Physician Specialist (C)	$100 to $360 (daily)
Physician Specialist (C)	$20 to $75 (hourly)
Physician Specialist (D)	$100 to $370 (daily)
Physician Specialist (D)	$20 to $85 (hourly)
Podiatrist	$50 to $125
Psychologist I	$35 to $80
Psychologist II	$40 to $125
Psychologist III	$40 to $150
Recreation Worker I	$25 to $40
Recreation Worker I	$5.33 (per hour)
Registered Nurse I	$39 to $54
Registered Nurse I (2nd or 3rd shift)	$41 to $56
Registered Nurse I (Cook County)	$43 to $58
Registered Nurse I (Cook County - 2nd or 3rd shift)	$44 to $59
Registered Nurse II	$43 to $58
Registered Nurse II (2nd or 3rd shift)	$44 to $59
Registered Nurse II (Cook County)	$45 to $60
Registered Nurse II (Cook County - 2nd or 3rd shift)	$47 to $62
Social Worker II	$35 to $75
Social Worker III	$35 to $80
Student Worker	$3.35 to ~~$6.00~~ $8.00 (per hour)
Tax Examiner	$53 to $73
Technical Advisor II	$20 to $35 (per hour)
Technical Advisor III	$30 to $60 (per hour)
Technical Advisor IV	$50 to $80 (per hour)
Veterinarian II	$95 to $130 (daily)

(Source: Amended at 15 Ill. Reg. 3296, effective February 14, 1991)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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Section 310.APPENDIX A Negotiated Rates of Pay

Section 310.TABLE D HR-001 (Teamsters Local #726)

A) Department of Transportation - Division of Highways - Emergency Patrol - Northeast Region - (Cook)

	July 1, 1990 Mo.	Hr.
Highway Maintainer	$2753.00	$15.82
Highway Maintenance Lead Worker	2882.00	16.56
Maintenance Worker	2697.00	15.50

B) Department of Transportation - Division of Highways - Northeast Region - (Cook)

	July 1, 1990 Mo.	Hr.
Heavy Construction Equipment Operator	$2777.00	$15.96
Heavy Construction Equipment Operator (Bridge Crew)	2794.44	16.06
Highway Maintainer	2678.00	15.39
Highway Maintainer (Bridge Crew)	2695.26	15.49
Highway Maintenance Laborer	----	---
Highway Maintenance Lead Worker	2807.00	16.13
Highway Maintenance Lead Worker (Bridge Crew)	2824.02	16.23
Highway Maintenance Lead Worker (Lead Lead Worker)	2857.00	16.42
Highway Maintenance Lead Worker (Lead Lead Worker - Bridge Crew)	2874.48	16.52
Laborer (Maintenance)	2586.00	14.86
Maintenance Worker	2622.00	15.07

C) Department of Public Health - Northeast Region - (Cook)

	July 1, 1990 Mo.	Hr.
Maintenance Equipment Operator	$2678.00	$15.39
Maintenance Worker	2531.00	14.55

D) Department of Mental Health & Developmental Disabilities, Northeast Region - (Cook)

	July 1, 1990 Mo.	Hr.
Grounds Lead Worker	$ ----	$ ---

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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Maintenance Equipment Operator	2678.00	15.39
Maintenance Worker	2531.00	14.55

E) Departments of Children & Family Services, Employment Security, and Public Aid -- Northeast Region - (Cook)

	July 1, 1990 Mo.	Hr.
Maintenance Equipment Operator	$2678.00	$15.39

(Source: Amended at 15 Ill. Reg. 3296, effective February 14, 1991)

Section 310.TABLE E RC-020 (Teamsters Local #330)

A) Departments of Children & Family Services, Corrections, Employment Security, Mental Health & Developmental Disabilities - (Counties of DuPage, Kane, Kankakee, Kendall, Lake, McHenry and Will)

	July 1, 1990 Mo.	Hr.
Maintenance Equipment Operator	$2678.00	$15.39

B) Department of Transportation - Division of Highways - (Counties of DuPage, Kane, Kankakee, Kendall, Lake, McHenry and Will)

	July 1, 1990 Mo.	Hr.
Bridge Mechanic	$2711.00	$15.58
Bridge Tender	2510.00	14.43
Highway Maintainer	2678.00	15.39
Highway Maintainer (Bridge Crew)	2695.26	15.49
Highway Maintenance Lead Worker	2807.00	16.13
Highway Maintenance Lead Worker (Bridge Crew)	2824.02	16.23
Janitor I	2385.00	13.71
Janitor II	2416.00	13.89
Labor Maintenance Lead Worker	2642.00	15.18
Laborer (Maintenance)	2586.00	14.86
Maintenance Worker	2622.00	15.07
Power Shovel Operator (Maintenance)	2728.00	15.68
Security Guard I	2412.00	13.86
Security Guard II	2460.00	14.14
Silk Screen Operator	2782.00	15.99

C) Department of Central Management Services - Division of Vehicles - (Counties of DuPage, Kane, Kankakee, Kendall, Lake, McHenry and Will)

	July 1, 1990	
	Mo.	Hr.
Janitor I	$2385.00	$13.71
Janitor II	2416.00	13.89
Maintenance Equipment Operator (all divisions)	2678.00	15.39
Maintenance Worker	2622.00	15.07
Security Guard I	2412.00	13.86
Security Guard II	2460.00	14.14

(Source: Amended at 15 Ill. Reg. 3296, effective February 14, 1991)

Section 310.TABLE F RC-019 (Teamsters Local #25)

A) Department of Transportation - Division of Highways - Downstate - (All Counties Other Than Cook, DuPage, Kane, Kankakee, Kendall, Lake, McHenry and Will)

	July 1, 1990	
	Mo.	Hr.
Bridge Tender	$2510.00	$14.43
Deck Hand	2483.00	14.27
Ferry Operator I	2708.00	15.56
Ferry Operator II	2758.00	15.85
Highway Maintainer	2708.00	15.56
Highway Maintainer (Bridge Crew)	2724.84	15.66
Highway Maintenance Lead Worker	2807.00	16.13
Highway Maintenance Lead Worker (Bridge Crew)	2824.02	16.23
Janitor I (including Office of Administration)	2385.00	13.71
Janitor II (including Office of Administration)	2416.00	13.89
Laborer (Maintenance)	2586.00	14.86
Labor Maintenance Lead Worker	2642.00	15.18
Maintenance Worker (including Office of Administration)	2622.00	15.07
Power Shovel Operator (Maintenance)	2728.00	15.68
Security Guard I (including Office of Administration)	2412.00	13.86

Security Guard II (including Office of Administration)	2460.00	14.14
Silk Screen Operator	2782.00	15.99

B) Department of Central Management Services - Division of Vehicles - Downstate - (All Counties Other Than Cook, DuPage, Kane, Kankakee, Kendall, Lake, McHenry and Will)

	July 1, 1990	
	Mo.	Hr.
Janitor I	$2385.00	$13.71
Janitor II	2416.00	13.89
Maintenance Worker	2622.00	15.07
Maintenance Equipment Operator (all divisions)	2678.00	15.39
Security Guard I	2412.00	13.86
Security Guard II	2460.00	14.14

C) Department of Mental Health & Developmental Disabilities - Lincoln Developmental Center

	July 1, 1990	
	Mo.	Hr.
Laborer (Maintenance)	$2586.00	$14.86

D) Departments of Children & Family Services, Corrections, Employment Security, State Police, Mental Health & Developmental Disabilities, Public Aid, Veterans' Affairs - Downstate - (All Counties Other Than Cook, DuPage, Kane, Kankakee, Kendall, Lake, McHenry and Will)

	July 1, 1990	
	Mo.	Hr.
Maintenance Equipment Operator	$2678.00	$15.39

E) Department of Transportation - Division of Highways - Emergency Patrol - District #8

	July 1, 1990	
	Mo.	Hr.
Highway Maintainer	$2753.00	$15.82
Highway Maintenance Lead Worker	2882.00	16.56

F) Department of Conservation

	July 1, 1990	
	Mo.	Hr.
Power Shovel Operator (Maintenance)	$2728.00	$15.68

(Source: Amended at 15 Ill. Reg. 3296, effective February 14, 1991)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: Organic Material Emissions Standards and Limitations

2) The Code Citation: 35 Ill. Adm. Code 215

3) Section Number: Adopted Action:

215.585 Amended

4) Statutory Authority: Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111½, pars. 1010 and 1027).

5) Effective Date of Rule: February 13, 1991

6) Does this rulemaking contain an automatic repeal date?: No.

7) Does this rule (amendment, repealer) contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: July 19, 1990.

9) Notice(s) of Proposal Published in Illinois Register: 14 Ill. Reg. 12701 August 10, 1990.

10) Has JCAR issued a Statement of Objections to this (these) Rule(s)?: No.

11) Difference(s) between proposal and final version:

The dates in Section 215.585(a) have been changed from "May 1" to "June 1".

In Section 215.585(b) the regulatory control period has been changed from "1991 and each year thereafter" to "1991 only".

The following language was added to the end of Section 215.585(e): "For purposes of enforcement of the Reid vapor pressure limitations set forth in subsections (b) and (c), no enforcement action shall be initiatied unless the Reid vapor pressure measured by the Agency is more that 0.3 psi (2.1 kPa) greater than the applicable standard."

Section 215.585(g) which at first notice read:

g) Any alternate to the sampling or testing methods or procedures contained in subsections (d), (e), and (f) must be approved by the Agency, which shall consider

POLLUTION CONTROL BOARD

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data comparing the performance of the proposed alternative to the performance of one or more approved test methods or procedures. Such data shall accompany any request for Agency approval of any alternate test procedure. If the Agency determines that such data demonstrates that the proposed alternative will achieve results equivalent to the approved test methods or will achieve results equivalent to the approved test methods or procedures, the Agency shall approve the proposed alternative. Upon approval of the alternate sampling or test methods or procedures contained in subsections (d), (e), and (f), the Agency will submit the methods or procedures to the United States Environmental Protection Agency (USEPA) as a revision to the State plan. Alternate methods or procedures become effective only upon approval of the incorporation of the alternate method or procedure in the State plan by USEPA.

now reads:

g) Any alternate to the sampling or testing methods or procedures contained in subsections (d), (e), and (f) must be approved by the Agency, which shall consider data comparing the performance of the proposed alternative to the performance of one or more approved test methods or procedures. Such data shall accompany any request for Agency approval of any alternate test procedure. If the Agency determines that such data demonstrates that the proposed alternative will achieve results equivalent to the approved test methods or will achieve results equivalent to the approved test methods or procedures, the Agency shall approve the proposed alternative. Upon approval of the alternate sampling or test methods or procedures contained in subsections (d), (e), and (f), the Agency will submit the methods or procedures to the United States Environmental Protection Agency (USEPA) as a revision to the State plan pursuant to Section 110 of the Clean Air Act (42 U.S.C.A 7410). Alternate methods or procedures become effective only upon approval of the incorporation of the alternate method or procedure in the State plan by USEPA, unless such alternate method or procedure (i.e., the "Grabner" test, ASTM Emergency Standards 14 and 15, approved February 6, 1990; this incorporation includes no later editions or amendments.) has previously been approved by USEPA for use in conjunction with a federally promulgated gasoline volatility regulation, in which

case the alternate method or procedure becomes effective immediately upon approval by the Agency.

Section 215.585(i) which at first notice read:

i) Each retail outlet and facility operated by a wholesale purchaser-consumer shall, for a period of at least two years during the regulatory control period, maintain records regarding each delivery of gasoline, which shall include Reid vapor pressure, quantity received and date received. The Agency shall be provided with copies of such records, if requested.

now reads:

i) Each retail outlet and each facility operated by a wholesale purchaser-consumer shall, during the regulatory control period, maintain records regarding each delivery of gasoline, which shall include documentation of compliance with the Reid vapor pressure, limitations set forth in Section 215.585 (b) and (c), quantity received and date received. The Agency shall be provided with copies of such records, if requested.

Section 215.585(j) was added to read: "This Section is effective for 1991 only".

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rule (amendments, repealer) replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? Yes

Section Numbers:	Proposed Action:	Ill. Reg. Citation:
215.102	Amended	14 Ill. Reg. 08877
215.105	New Section	14 Ill. Reg. 08877
215.108	Amended	14 Ill. Reg. 08877
215.123	Amended	15 Ill. Reg. 00768
215.480	Amended	14 Ill. Reg. 08877
215.481	Amended	14 Ill. Reg. 08877
215.482	Amended	14 Ill. Reg. 08877
215.483	Amended	14 Ill. Reg. 08877

215.484	Amended	14 Ill. Reg. 08877
215.485	Amended	14 Ill. Reg. 08877
215.486	Amended	14 Ill. Reg. 08877
215.487	Amended	14 Ill. Reg. 08877
215.488	Amended	14 Ill. Reg. 08877
215.489	Renum., Amended	14 Ill. Reg. 08877
215.490	Renum., New Sect.	14 Ill. Reg. 08877

15) Summary and Purpose of Rule(s):

Ozone pollution is one of the nation's most serious and complex air pollution problems. Ozone is a photochemical oxidant and the major component of smog. Unlike other pollutants, ozone is not emitted directly into the atmosphere but is formed through chemical reactions among precursor emissions (volatile organic compounds or VOCs, nitrogen oxides, carbon monoxide and other compounds) in the presence of sunlight. The rate of ozone production is increased when atmospheric temperatures are warmer.

The hot summers of 1987 and 1988 resulted in high levels of ozone in the Chicago and Metro East non-attainment areas. Readings as high as 0.22 ppm by volume were recorded, which is some 83% above the federal and Illinois air quality standard of 0.12 ppm by volume. However, the ozone problem is not specific to Illinois. The United States Environmental Protection Agency (USEPA) estimates that there are more than 80 urban areas where the ozone air quality standard is being exceeded.

New and emerging scientific data is shedding more light on the effect high levels of ozone have on the general public. Ozone severely affects individuals with chronic heart, lung, and circulatory systems diseases. Otherwise healthy individuals who exercise while ozone levels are high can experience reduced functioning of the lungs, leading to chest pains, coughing, wheezing, and pulmonary congestion. In addition to the health effects, ozone has been estimated to cause two to three billion dollars worth of crop damage nationally each year. Also, because the Chicago area has exceeded the ozone standard repeatedly, USEPA has imposed a construction ban on the Chicago non-attainment area which prohibits the construction or modification of major air pollution sources and thus restricts the economic development of the Chicagoland area.

In its comments (P.C. 23), the Illinois Environmental Protection Agency (Agency) noted that in early 1970's, the average summertime RVP of gasoline was approximately 9.0 psi. However, with the phasing out of leaded gasoline, refiners began adding butane to meet octane requirements which increased the RVP levels. The Agency noted that it was well above 9.0 psi until late in 1987. As a result, Agency estimates of VOC emissions during the 1970's and 1980's from both stationary and mobile gasoline-related sources have been made using and RVP approximately 20-25% lower than actual RVP. Accordingly, those missions have been underestimated by approximately 20-25%. Thus, during this period that the Agency has been actively engaged in imposing reasonably available control technologies (RACT) on major sources of air pollution, the increase in gasoline RVP was causing a significant increase in the emission of ozone precursors. Much of the benefit of the RACT regulations was lost as a result. Reducing the summertime volatility of gasoline to 1970 levels is expected to correct this situation.

To cure all of these ozone related problems, federal, state, and local governments have attempted to limit the emission of ozone precursors. One method of limiting such emissions is to reduce the volatility of gasoline. Volatility, generally speaking, is the rate at which a substance evaporates into the atmosphere -- the higher the volatility, the faster the evaporation. Reducing the volatility of gasoline sold in Illinois, and ultimately the country, is believed to be a giant step forward in solving the zone problem.

This rulemaking adopts a standard of 9.0 psi RVP for gasoline sold in Illinois during the months of May thru September, 1991.

16) Information and questions regarding this adopted rule shall be directed to:

Timothy P. Dwyer
100 W. Randolph Street
State of Illinois Center
Suite 11-500
Chicago, IL 60601
(312) 814-6923

The full text of the adopted rule(s) begins on the following page:

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: EMISSIONS STANDARDS AND LIMITATIONS FOR STATIONARY SOURCES

PART 215
ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS

SUBPART A: GENERAL PROVISIONS

Section
215.100 Introduction
215.101 Clean-up and Disposal Operations
215.102 Testing Methods
215.103 Abbreviations and Conversion Factors
215.104 Definitions
215.105 Incorporation by Reference
215.106 Afterburners
215.107 Determination of Applicability

SUBPART B: ORGANIC EMISSIONS FROM STORAGE AND LOADING OPERATIONS

Section
215.121 Storage Containers
215.122 Loading Operations
215.123 Petroleum Liquid Storage Tanks
215.124 External Floating Roofs
215.125 Compliance Dates and Geographical Areas
215.126 Compliance Plan
215.127 Emissions Testing
215.128 Measurement of Seal Gaps

SUBPART C: ORGANIC EMISSIONS FROM MISCELLANEOUS EQUIPMENT

Section
215.141 Separation Operations
215.142 Pumps and Compressors
215.143 Vapor Blowdown
215.144 Safety Relief Valves

SUBPART E: SOLVENT CLEANING

Section
215.181 Solvent Cleaning in General
215.182 Cold Cleaning

215.183 Open Top Vapor Degreasing
215.184 Conveyorized Degreasing
215.185 Compliance Plan

SUBPART F: COATING OPERATIONS

Section
215.202 Compliance Schedules
215.204 Emission Limitations for Manufacturing Plants
215.205 Alternative Emission Limitations
215.206 Exemptions from Emission Limitations
215.207 Compliance by Aggregation of Emission Sources
215.208 Testing Methods for Volatile Organic Material Content
215.209 Exemption from General Rule on Use of Organic Material
215.210 Alternative Compliance Schedule
215.211 Compliance Dates and Geographical Areas
215.212 Compliance Plan
215.213 Special Requirements for Compliance Plan
215.214 Roadmaster Emissions Limitations

SUBPART H: SPECIAL LIMITATIONS FOR SOURCES IN MAJOR URBANIZED AREAS WHICH ARE NONATTAINMENT FOR OZONE

Section
215.240 Applicability
215.241 External Floating Roofs
215.245 Flexographic and Rotogravure Printing
215.249 Compliance Dates

SUBPART I: ADJUSTED RACT EMISSIONS LIMITATIONS

Section
215.260 Applicability
215.261 Petition
215.263 Public Hearing
215.264 Board Action
215.267 Agency Petition

SUBPART K: USE OF ORGANIC MATERIAL

Section
215.301 Use of Organic Material
215.302 Alternative Standard
215.303 Fuel Combustion Emission Sources
215.304 Operations with Compliance Program

215.305 Viscose Exemption (Repealed)

SUBPART N: VEGETABLE OIL PROCESSING

Section
215.340 Hexane Extraction Soybean Crushing
215.342 Hexane Extraction Corn Oil Processing
215.344 Recordkeeping for Vegetable Oil Processes
215.345 Compliance Determination
215.346 Compliance Dates and Geographical Areas
215.347 Compliance Plan

SUBPART P: PRINTING AND PUBLISHING

Section
215.401 Flexographic and Rotogravure Printing
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AUTHORITY: Implementing Section 10 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111½ pars. 1010 and 1027).

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 205: Organic Material Emission Standards and Limitations, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R77-3, 33 PCB 357, at 3 Ill. Reg. 18, p. 41, effective May 3, 1979; amended in R78-3 and R78-4, 35 PCB 75, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5 at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13601; Notice of Corrections at 7 Ill. Reg. 14575; amended in R82-14 at 8 Ill. Reg. 13254, effective July 12, 1984; amended in R83-36 at 9 Ill. Reg. 9114, effective May 30, 1985; amended in R82-14 at 9 Ill. Reg. 13960, effective August 28, 1985; amended in R85-28 at 11 Ill. Reg. 3127, effective February 3, 1987; amended in R82-14 at 11 Ill. Reg. 7296, effective April 3, 1987; amended in R85-21(A) at 11 Ill. Reg. 11770, effective June 29, 1987; recodified in R86-39 at

11 Ill. Reg. 13541; amended in R82-14 and R86-12 at 11 Ill. Reg. 16706, effective September 30, 1987; amended in R85-21(B) at 11 Ill. Reg. 19117, effective November 9, 1987; amended in R86-36, R86-39, R86-40 at 11 Ill. Reg. 20829, effective December 14, 1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 815, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7311, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7650, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10893, effective June 27, 1989; amended in R88-30(A) at 14 Ill. Reg. 3555, effective February 27, 1990, amended in R88-19 at 14 Ill. Reg. 14 7596, effective May 8, 1990, amended in R89-16(A) at 14 Ill. Reg. 9173, effective May 23, 1990, amended in R88-30(B) at 15 Ill. Reg. 3309, effective February 13, 1991.

Section 215.585 Gasoline Volatility Standards

a) No person shall sell, offer for sale, dispense, supply, offer for supply, or transport for use in Illinois gasoline whose Reid vapor pressure exceeds the applicable limitations set forth in subsections (b) and (c) during the regulatory control periods, which shall be ~~July 1~~ June 1 to ~~August 31~~ September 15 for retail outlets, wholesale purchaser-consumer facilities, and all other facilities.

b) The Reid vapor pressure of gasoline, a measure of its volatility, shall not exceed ~~9.5~~ 9.0 psi (~~65.5~~ 62.1 kPa) during the regulatory control period in 1991~~0 and each year thereafter~~ only.

c) The Reid vapor pressure of ethanol blend gasolines shall not exceed the limitations for gasoline set forth in subsection (b) by more than 1.0 psi (6.9 kPa). Notwithstanding this limitation, blenders of ethanol blend gasolines whose Reid vapor pressure is less than 1.0 psi above the base stock gasoline immediately after blending with ethanol are prohibited from adding butane or any product that will increase the Reid vapor pressure of the blended gasoline.

d) All sampling of gasoline required pursuant to the provisions of this Section shall be conducted by one or more of the following approved methods or procedures which are incorporated by reference in Section 215.105.

1) For manual sampling, ASTM D4057;

2) For automatic sampling, ASTM D4177;

3) Sampling procedures for Fuel Volatility, 40 CFR 80 Appendix D.

e) The Reid vapor pressure of gasoline shall be measured in accordance with ~~either test method ASTM D323 or~~ a modification of ASTM D323 known as the "dry method" as set forth in 40 CFR 80, Appendix E, incorporated by reference in Section 215.105. ~~For gasoline oxygenate blends which contain waterextractable oxygenates, the Reid vapor pressure shall be measured using the dry method test.~~ For purposes of enforcement of the Reid vapor pressure limitations set forth in subsections (b) and (c), no enforcement action shall be initiated unless the Reid vapor pressure measured by the Agency is more than 0.3 psi (2.1 kPa) greater than the applicable standard.

f) The ethanol content of ethanol blend gasolines shall be determined by use of one of the approved testing methodologies specified in 40 CFR 80, Appendix F, incorporated by reference in Section 215.105.

g) Any alternate to the sampling or testing methods or procedures contained in subsections (d), (e), and (f) must be approved by the Agency, which shall consider data comparing the performance of the proposed alternative to the performance of one or more approved test methods or procedures. Such data shall accompany any request for Agency approval of any alternate test procedure. If the Agency determines that such data demonstrates that the proposed alternative will achieve results equivalent to the approved test methods or will achieve results equivalent to the approved test methods or procedures, the Agency shall approve the proposed alternative. Upon approval of the alternate sampling or test methods or procedures contained in subsections (d), (e), and (f), the Agency will submit the methods or procedures to the United States Environmental Protection Agency (USEPA) as a revision to the State plan pursuant to Section 110 of the Clean Air Act (42 U.S.C.A 7410). Alternate methods or procedures become effective only upon approval of the incorporation of the alternate method or procedure in the State plan by USEPA, unless such alternate method or procedure (i.e., the "Grabner"

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

test, ASTM Emergency Standards 14 and 15, approved February 6, 1990; this incorporation includes no later editions or amendments.) has previously been approved by USEPA for use in conjunction with a federally promulgated gasoline volatility regulation, in which case the alternate method or procedure becomes effective immediately upon approval by the Agency.

h) Each refiner or supplier that distributes gasoline or ethanol blends shall:

1) During the regulatory control period, state that the Reid vapor pressure of all gasoline or ethanol blends leaving the refinery or distribution facility for use in Illinois complies with the Reid vapor pressure limitations set forth in Section 215.585(b) and (c). Any facility receiving this gasoline shall be provided with a copy of an invoice, bill of lading, or other documentation used in normal business practice stating that the Reid vapor pressure of the gasoline complies with the State Reid vapor pressure standard.

2) Maintain records for a period of one year on the Reid vapor pressure, quantity shipped and date of delivery of any gasoline or ethanol blends leaving the refinery or distribution facility for use in Illinois. The Agency shall be provided with copies of such records if requested.

i) Each retail outlet and each facility operated by a wholesale purchaser-consumer shall, during the regulatory control period, maintain records regarding each delivery of gasoline, which shall include documentation of compliance with the Reid vapor pressure, limitations set forth in Section 215.585 (b) and (c), quantity received and date received. The Agency shall be provided with copies of such records, if requested.

j) This Section is effective for 1991 only.

(Source: Amended at 15 Ill. Reg. 3309 effective February 13, 1991)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF EMERGENCY RULES

1) Heading of the Part: The Illinois Landscape Architecture Act of 1989

2) Code Citation: 68 Ill. Adm. Code 1275

3)

Section Numbers:	Emergency Action:
1275.10	New Section
1275.20	New Section
1275.30	New Section
1275.60	New Section

4) Statutory Authority: Ill.Rev.Stat.1989, ch. 111, pars. 8106, 8108, 8110, 8111, 8114.

5) Effective Date of Rules: February 11, 1991

6) If the emergency Rules are to expire before the end of the 150-day period, please specify the date on which they will expire: N/A

7) Date Filed in Agency's Principal Office: February 11, 1991

8) Reason for Emergency: The emergency rules to implement portions of The Illinois Landscape Architecture Act of 1989 (P.A. 86-932, effective September 1, 1990) are necessary to evaluate applications for registration. The Illinois Landscape Architect Registration Board, which under the Act is to advise the Department of Professional Regulation on qualifications of candidates for registration, was not organized until October, 1990. The deadline for applying for registration under grandfather provisions of the Act is September 1, 1992. Emergency rules will allow the Department to immediately begin evaluating applications.

9) A Complete Description of the Subjects and Issues Involved: Section 1275.10 outlines how persons seeking registration under the Act's grandfather provisions can apply. It explains education and experience requirements and tells when the grandfather period expires.

Section 1275.20 lists minimum requirements that shall be met in order for a landscape architecture program to be approved by the Department.

Section 1275.30 tells what constitutes satisfactory experience in the practice of landscape architecture.

Section 1275.60 tells how persons registered as landscape architects outside the State can apply for registration in Illinois by endorsement

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF EMERGENCY RULES

10) Are there any proposed Amendments to this Part pending: Yes

Section Numbers	Proposed Action	Illinois Register Citation
1275.10	New Section	15 Ill. Reg. 3218
1275.20	New Section	15 Ill. Reg. 3218
1275.30	New Section	15 Ill. Reg. 3218
1275.40	New Section	15 Ill. Reg. 3218
1275.50	New Section	15 Ill. Reg. 3218
1275.60	New Section	15 Ill. Reg. 3218
1275.70	New Section	15 Ill. Reg. 3218
1275.90	New Section	15 Ill. Reg. 3218

11) Statement of Statewide Policy Objectives: This rulemaking has no impact on local government.

12) Information and questions regarding these Rules shall be directed to:

Department of Professional Regulation
Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0810

The full text of the Emergency Rules begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF EMERGENCY RULES

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1275
THE ILLINOIS LANDSCAPE ARCHITECTURE ACT OF 1989

1275.10 Application for Registration Under Section 11(e) of the Act
EMERGENCY
1275.20 Approved Programs
EMERGENCY
1275.30 Experience
EMERGENCY
1275.60 Endorsement
EMERGENCY

AUTHORITY: Implementing The Illinois Landscape Architecture Act of 1989 (P.A. 86-932, effective September 1, 1990) and authorized by Section 60(7) of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 60(7)).

SOURCE: Emergency rules adopted at 15 Ill. Reg. 3324, effective February 11, 1991, for a maximum of 150 days.

Section 1275.10 Application for Registration Under Section 11(e) of the Act (Grandfather)
EMERGENCY

Those persons seeking registration without examination under Section 11(e) of The Illinois Landscape Architecture Act of 1989 (P.A. 86-932, effective September 1, 1990) (the "Act") shall file an application with the Department, on forms provided by the Department of Professional Regulation (the "Department").

a) Such application shall be postmarked no later than midnight September 1, 1992, and shall include the following:

1) Education/Experience

A) Verification, on forms provided by the Department, of 2 years of full-time actual, practical experience in landscape architecture as defined in subsection (b) below and certification of graduation or an official transcript from a college, school or university offering an accredited program in landscape architecture. (For purposes of this Section, accredited programs are those landscape architecture programs accredited by the Landscape Architectural Accreditation Board.); or

B) Verification, on forms provided by the Department, of at least 7 years of full-time actual, practical experience in landscape architectural work as defined in subsection (b) below. At least 4 of those years shall have been immediately prior to September 1, 1990.

2) Verification of landscape architectural experience signed by the employer or three professional references from peers or clients familiar with the applicant's work; and

3) A complete work history; and

4) The required fee set forth in Section 14(a)(1);

5) If the applicant has ever been licensed/registered in another state or territory of the United States, he shall also submit a certification, on forms provided by the Department, from the state or territory of the United States in which he was originally licensed and the state in which the applicant predominantly practices and is currently licensed, or certification by the Council of Landscape Architectural Registration Boards (CLARB), stating:

A) The time during which the applicant was registered in that jurisdiction, including the date of the original issuance of the license;

B) A description of the examination in that jurisdiction;

C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

b) For purposes of this Section, actual, practical experience in landscape architecture is that experience which meets the definition of Landscape Architectural Practice as defined in Section 3(f) of the Act.

c) All experience shall be completed prior to applying for licensure.

d) When the accuracy of any submitted documentation, of the relevance or sufficiency of the course work or experience is questioned by the Department or the Illinois Landscape Architect Registration Board (the "Board") because of discrepancies or conflicts in information, information needing further clarification, and/or missing information, the applicant seeking registration will be requested to:

1) Provide such information as may be necessary; and/or

2) Explain such relevance or sufficiency during an oral interview; or

3) Appear for an interview before the Board when the information available to the Board is insufficient to evaluate the individual's qualifications for licensure.

e) Any applicant who sits for an examination for registration as a Landscape Architect in Illinois shall not be eligible for registration under this Section.

Section 1275.20 Approved Programs
EMERGENCY

a) The Department of Professional Regulation (the "Department") shall approve a landscape architecture program if it meets the following minimum criteria:

1) The institution is legally recognized and authorized by the jurisdiction in which it is located to confer the landscape architecture degree;

2) Has a faculty which comprises sufficient number of full-time instructors to make certain that the educational obligations to the student are fulfilled. The faculty must have demonstrated competence as evidenced by appropriate degrees in their area(s) of teaching from professional colleges or institutions.

3) Has a designated program director.

4) Has an undergraduate first-professional baccalaureate degree which is at least four academic years in duration and/or has a graduate first-professional master's degree which is at least three academic years in duration.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF EMERGENCY RULES

5) Has a designated title and degree description incorporating the term "Landscape Architecture."

6) Has a curriculum which shall include, but not be limited to, the following:

A) Landscape Architecture History
B) Professional Practice
C) Landscape Design, Planning and Management
D) Design Implementation

7) The Department or Board may require additional information in order to evaluate the program.

b) In determining whether a program should be approved, the Department shall take into consideration, but not be bound by, accreditation or approval by the Landscape Architecture Accreditation Board.

c) The Department has determined that all landscape architecture programs accredited or approved by the Landscape Architecture Accreditation Board as of September 1, 1990, meet the minimum criteria set forth in this Section and are, therefore, approved.

Section 1275.30 Experience
EMERGENCY

a) Verification, on forms provided by the Department, of two years of professional experience in landscape architecture practice as defined in Section 3(f) of the Act.

b) Satisfactory experience in the practice of landscape architecture shall include, but not be limited to:

1) Work in a landscape architect's office;

2) Teaching landscape architecture in an approved program;

3) Conducting or participating in research in landscape architecture;

4) Work in the office of an architect who is authorized to practice in the jurisdication in which he is located; work in the office of an an engineer who is authorized to practice in the jurisdiction in which he is located; work in a government agency.

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c) All experience shall be under the direct supervision of a landscape architect, architect or engineer. Prior to January 1, 1993, an applicant who is self-employed may submit three professional references from peers or clients familiar with the applicant's work.

d) One year of experience credit is defined as full-time employment for 52 weeks with a minimum of 30 hours per week. An applicant may not receive experience credit for overtime.

e) Part-time employment shall be counted as one half week for each 15 hours of employment per week.

f) Employment with one employer of less than two months shall not be counted toward fulfillment of the experience requirement.

g) Experience credit may be acquired only after completion of the third year of a landscape architecture program/curriculum provided however, that no experience credit can be acquired if the individual is receiving educational credit for such experience.

h) At least one year of full-time experience shall be obtained after graduation from an approved program.

i) A master's degree in landscape architecture from an approved program may be accepted in lieu of one year of practical experience.

j) Until January 1, 1993, an applicant shall satisfy one of the following combinations of education and experience:

1) A bachelor's degree in landscape architecture and 2 years of experience; or

2) A bachelor's or master's degree in a landscape architecture related field and 4 years of experience. (A landscape architecture related field is defined as architecture, environmental design, civil engineering, urban design, urban planning and horticulture); or

3) Completion of at least 3 years of educational credits toward a degree in landscape architecture and 5 years of experience; or

4) An associate degree in landscape architecture/design and 6 years of experience; or

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF EMERGENCY RULES

5) At least 2 years of education (i.e., courses in landscape architecture/design) as approved by the Board and 6 years of experience.

Section 1275.60 Endorsement
EMERGENCY

a) An applicant for registration as a landscape architect who is registered under the laws of another state or territory of the United States shall file an application with the Department, on forms provided by the Department, which includes:

1) Certification, on forms provided by the Department, of a landscape architecture degree from a program approved by the Department in accordance with Section 1275.20 of this Part, or prior to January 1, 1993 meeting the education/experience requirements set forth in Section 1275.30(j) of this Part;

2) Certification, on forms provided by the Department, of professional experience as set forth in Section 1275.30 of this Part;

3) In lieu of the subsection (a)(1) and (a)(2), the Department shall accept certification from the Council of Landscape Architectural Registration Boards.

4) Certification, on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant predominantly practices and is currently licensed, stating:

A) The time during which the applicant was licensed;

B) Whether the file of the applicant contains any record of any disciplinary actions taken or pending; and

C) Examination(s) taken and examination score(s) received.

5) A complete work history; and

6) The required fee as set forth in Section 14(a)(3) of the Act

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b) The Department may require additional information to determine if the requirements in the state or territory were substantially equivalent to the requirements then in effect in Illinois at the time of application to determine whether the requirements of another state or territory together with education and professional experience qualifications of the applicant are substantially equivalent to the requirements in Illinois at the time of application. The Department, upon recommendation of the Board, shall determine substantial equivalency based on, but not limited to, certification from the CLARB; education, training, and experience, including, but not limited to, whether he has achieved special honors or awards, has had articles published in professional journals, has written textbooks relating to landscape architecture; and any other attribute which the Director accepts as evidence that such applicant has outstanding and proven ability in landscape architecture. The Department shall either issue a registration by endorsement to the applicant or notify him of the reasons for the denial of his application.

DEPARTMENT OF PUBLIC AID

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT

1) The Heading of the Part: REIMBURSEMENT FOR NURSING COSTS FOR GERIATRIC FACILITIES

2) Code Citation: 89 Ill. Adm. Code 147

3) Register Citation to Notice of Proposed Amendment:

January 25, 1991 (15 Ill. Reg. 870)

4) Date, Time and Location of Public Hearing: The Department of Public Aid will hold a public hearing to receive oral testimony on the Department's proposed amendment to 89 Ill. Adm. Code 147, published in the Illinois Register on January 25, 1991, at page 870. The hearing will commence at 1:00 p.m., on March 27, 1991, in Room D-1 of the William G. Stratton Building, College and Monroe Streets, Springfield, Illinois.

Interested persons are invited to comment.

5) Other Pertinent Information: Not applicable.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Pursuant to 35 Ill. Adm. Code 302.Subpart F, the following water quality criteria have been derived as of February 4, 1991.

Chemical: Benzene CAS #71-43-2
Date criteria derived: August 15, 1990
Applicable waterbody: Higgins Creek, Reach No. 07120004-011/off
acute criterion: 5,200 ug/l chronic criterion: 416 ug/l

Chemical: Ethyl Benzene CAS #100-41-4
Date criteria derived: August 15, 1990
Applicable waterbody: Unnamed tributary to Coal Creek, Reach No. 07090005-003/off
acute criterion: 216 ug/l chronic criterion: 8.6 ug/l

Chemical: Hydrazine CAS #302-01-2
Date criteria derived: September 13, 1990
Applicable waterbody: Rock River, Reach No. 07090005-012/on
acute criterion: 6.2 ug/l chronic criterion: 0.5 ug/l

Chemical: Toluene CAS #108-88-3
Date criteria derived: August 16, 1990
Applicable waterbody: Higgins Creek, Reach No. 07120004-011/off
acute criterion: 1,750 ug/l chronic criterion: 70 ug/l

Chemical: Xylenes o-Xylene CAS #95-47-6
p-Xylene CAS #106-42-3
Date criteria derived: August 23, 1990
Applicable waterbody: Higgins Creek, Reach No. 07120004-011/off
acute criterion: o-Xylene = 187 ug/l; p-Xylene = 552 ug/l; combined Xylenes = 1,500 ug/l
chronic criterion: o-Xylene = 15 ug/l; p-Xylene = 22 ug/l; combined Xylenes = 117 ug/l

For additional information concerning these criteria or the derivation process used in generating them, please contact:

Jim Hefley
Bob Mosher
Illinois Environmental Protection Agency
Division of Water Pollution Control
2200 Churchill Road
Post Office Box 19276
Springfield, Illinois 62794-9276
217/782-3362

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish this information in the Illinois Register:

   Name of Act: Illinois Department of Revenue Sunshine Act
   Citation: Ill. Rev. Stat. 1989, ch. 127, par. 2001 (Public Act 82-727, effective November 12, 1981)

2. Summary of information:

   Index of Department of Revenue income tax letter rulings issued for the Fourth Quarter of 1990.

The ruling letters are listed numerically with a brief synopsis under the following subjects:

Addition Modifications
  Bond Premium Amortization
  Dividends
  Interest
  Net Operating Loss
  Zero Coupon Bonds
  Other Rulings
    (not included above)
Administrative Review
Allocation
  (For Alternative Allocation rulings, see that heading)
Alternative Allocation
Amnesty
Apportionment
  Financial Organizations
  Insurance Companies
  Payroll Factor
  Property Factor
  Sales Factor
  Transportation Services
  Other Rulings
    (not included above)
Assessment
Bankruptcy
Base Income
  (Also See Addition Modifications, Fringe Benefits, Subtraction Modifications)
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Check Off Funds
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Claims for Refund: See Refunds
Collection
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  (Also See Unitary)
Commercial Domicile
Compensation
Composite Returns
Confidentiality
Credits
  Coal Research and Utilization
  Credit for Replacement Tax Paid
  Enterprise Zone Investment
  Foreign Tax
  High Impact Business Investment
  Jobs Tax
  Replacement Tax Investment
  Research and Development

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

  Training Expense
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    (not included above)
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Definitions
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  (Also See Credits, Subtraction Modifications)
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Federal Returns
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  Other Rulings
    (not included above)
Gain (Loss): See Capital Gains (Losses), Valuation Limitation
Information Reports
Insurance Companies: See Apportionment
Interest Income
  (Also See Addition Modifications, Subtraction Modifications)
Interest on Refunds and Deficiencies
IRC §338
Jeopardy: See Assessment
Judicial Review
Liens
Lottery
Military
  (Also See Subtraction Modifications)
Miscellaneous
Modification Addition: See Addition Modifications
Modification Subtraction: See Subtraction Modifications
Mutual Funds: See Subtraction Modifications
Net Income (Loss) and Net Loss Deduction (IITA §207)
  (Also See Base Income, Capital Gains (Losses), Combined Unitary Return, Net Operating Loss and Net Operating Loss Deduction Unitary)
Net Operating Loss and Net Operating Loss Deduction
Nexus: See Public Law 86-272/Nexus
Nonbusiness Income
Nonresidents: See Residency/Nonresidency
Notice and Demand: See Notices
Notices
Overpayments: See Refunds
Partnerships
Payments:
  (Also See Estimated Tax)
Payroll Factor: See Apportionment
Penalties
  Failure to File (IITA §1001)

Failure to File Withholding Returns (IITA §1004)
Failure to Pay (IITA §1002)
Failure to Pay Estimated Tax (IITA §804)
Fraud (IITA §1002)
Reasonable Cause (IITA §1001)
Underpayment of Tax (IITA §1005)
Other Rulings (not included above)
Pensions (Also See Subtraction Modifications)
Political Organizations
Property Factor: See Apportionment
Property Tax: See Subtraction Modifications
Protest
Public Law 86-272/Nexus
Rate of Tax
Real Estate Investment Trusts
Reasonable Cause: See Penalties
Refunds (Also See Subtraction Modifications)
Statute of Limitations
Other Rulings (not included above)
Replacement Tax (Also See Credits)
Residency/Nonresidency
Returns (For Combined Unitary Return and Composite Return rulings, see those headings)
Amended Returns
Due Dates
Requirements to File
Short Period Returns
Other Rulings (not included above)
S Corporations
Sales Factor: See Apportionment
Sales Outside the Ordinary Course of Business (Bulk Sales)
Seizure
Separate Accounting: See Alternative Allocation
Signature
Specific Accounting
Statute of Limitations: See Assessment, Collection, Deficiencies, Refunds
Subchapter (S) Corporations: See S Corporations
Subpart F Income: See Subtraction Modifications
Subtraction Modifications
Enterprise and Foreign Trade Zones
Illinois Tax Refund
Interest on U.S. Government Obligations
Military
Money Market Mutual Funds
Qualified Pension Plans
Real Estate Taxes
Subpart F Income
Valuation Limitation
Other Rulings (not included above)
Taxability in Other States
Taxable Year
Transferees (Also See Sales Outside the Ordinary Course of Business (Bulk Sales))
Transportation Services: See Apportionment
Trusts
Unitary (Also See Combined Unitary Return)
U.S. Government Obligations: See Subtraction Modifications

Valuation Limitation: See Subtraction Modifications
Voluntary Disclosure Agreements
Waiver on Assessments: See Assessment
Withholding
Employee Benefits
Exemptions
Personal Service Contracts (IITA §1405.2)
Reciprocal Agreements
Other Rulings (not included above)

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of $1.00 per opinion plus 25 per page for each page over one.

The annual index of income tax letter rulings (all four quarters) is available for $4.50 (this price includes both income tax and sales tax).

3. Name and address of person to contact concerning this information:

Margaret Forth
Legal Division
101 West Jefferson Street
Springfield, Illinois 62794
Telephone: (217) 782-6996

DEPARTMENT OF REVENUE

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ADDITION MODIFICATIONS - INTEREST

IT 90-251 10/12/90 A list of Illinois municipal bonds whose income is exempt from Illinois income taxation.

ADMINISTRATIVE REVIEW

IT 90-289 11/09/90 Questionnaire regarding administrative hearings.

ALLOCATION
(For Alternative Allocation rulings, see that heading)

IT 90-253 10/15/90 All income of an Illinois resident is currently taxable in Illinois at the rate of three percent (3%). An individual is required to make quarterly estimated tax payments if the amount (s)he reasonably expects to pay as estimated tax for that year will exceed $250.00.

ALTERNATIVE ALLOCATION

IT 90-244 10/09/90 Denial of a petition by a Wisconsin corporation to use separate accounting.

IT 90-283 10/29/90 Denial of a petition for separate accounting.

IT 90-302 12/05/90 The fact that a business maintains separate income and expense records and that separate accounting allegedly depicts the business' income (loss) more accurately and produces a different (greater) amount of loss for Illinois purposes, is either irrelevant or not sufficiently relevant to a determination of whether statutory apportion fairly represents the extent of a business' activity in Illinois.

IT 90-304 12/06/90 Denial of a petition to use specific accounting from a real estate partnership that will be purchasing real estate in Illinois.

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APPORTIONMENT - FINANCIAL ORGANIZATIONS

IT 90-305 12/06/90 Discusses whether or not income received by an Illinois financial institution from out-of-state property, acquired in foreclosure, is considered business income derived from outside of Illinois, requiring apportionment.

APPORTIONMENT - SALES FACTOR

IT 90-245 10/09/90 Questionnaire regarding royalties and franchise fees.

IT 90-301 12/04/90 The sales factor includes interest on state and local bonds. Prior to the amended regulation, gross receipts from the sale of intangible business capital assets were required to be reflected in the sales factor for apportionment purposes. IIT Reg. §100.9900 applies to tax years ending on or after December 31, 1982. IIT Reg. §100.3050(c), promulgated pursuant to the Caterpillar decision applies to tax years ending prior to December 31, 1982. Authority to exclude itemized deductions from a federal net operating loss for Illinois purposes, in addition to your November 20, 1989 answer to question 20.

IT 90-308 12/14/90 The use of cars solely for the use of a sales representative in soliciting orders would not by itself create nexus with Illinois. Inventory inspection by a salesperson does create a taxable nexus in Illinois.

APPORTIONMENT - TRANSPORTATION SERVICES

IT 90-258 10/15/90 Questionnaire regarding airline operations in Illinois.

APPORTIONMENT - OTHER RULINGS (NOT INCLUDED ABOVE)

IT 90-243 10/05/90 Reviewed tables regarding Illinois individual and corporate income tax.

IT 90-275 10/22/90 Summary of Illinois taxes that apply to the mining industry.

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ASSESSMENT

IT 90-314 12/18/90 If a taxpayer agrees to both tax deficiencies and tax overpayments on an IL-870 AD, it is the net deficiency against which the Department may not charge interest after 30 days if a Notice and Demand is not issued.

BANKRUPTCY

IT 90-259 10/16/90 Taxpayer remains liable for unpaid withholding tax, and the receiver would also be liable to the Department as a responsible officer under IITA §1002(d) for the taxes withheld prior to the receiver's appointment if the receiver had assets with which to pay the Department but did not do so. The receiver would of course be liable for taxes withheld after the date of appointment.

BASE INCOME
(Also See Addition Modifications, Fringe Benefits, Subtraction Modifications)

IT 90-243 10/05/90 Reviewed tables regarding Illinois individual and corporate income tax.

IT 90-263 10/19/90 Beginning in 1987, all unemployment, including railroad unemployment compensation benefits, is included in federal gross income. Since there is no subtraction modification excluding this type of income for Illinois purposes, it remains taxable in Illinois.

IT 90-271 10/19/90 A designated settlement fund trust under IRC §468B is not subject to Illinois income taxation.

IT 90-276 10/22/90 To the extent that the IMEA may exclude income federally under IRC §115, such income will be similarly excluded for IITA purposes. Political subdivisions allowed to exclude income under IRC §115 apparently have no federal income tax return filing requirements. To the extent that IMEA is not required to file a federal return because ofits

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governmental status, likewise, no Illinois income tax return will be required.

IT 90-284 10/31/90 Since a capital loss is allowed as a deduction in determining federal fiduciary taxable income and since there is no Illinois modification requiring its addback, the capital loss will be allowed for Illinois purposes.

IT 90-285 11/01/90 Since the IRC Sec. 164(f) deduction is taken on the Form U.S. 1040 for tax years beginning after 1989 before arriving at federal adjusted gross income, and since there is no Illinois addition modification requiring the addback of the amount on the IL-1040, the deduction will be allowed on the Illinois return.

IT 90-296 11/20/90 Individual shareholders, in the filing of their IL-1040, would have no Illinos net loss which could be carried to another tax year. Any individual net losses which might be reflected in federal AGI would automatically be reflected in Illinos base income without the necessity of any further adjustment.

IT 90-300 12/04/90 Because the individual's losses are a federal deduction after adjusted gross income is computed, all gaming winnings are included in the taxpayer's base income for Illinois income tax purposes.

BOOKS AND RECORDS

IT 90-266 10/19/90 The IL-1040 instructions provide a minimum time period for which records should be retained. The IITA does not establish a minimum or a maximum time period for the retention of tax records.

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CAPITAL GAINS (LOSSES)
(Also See Subtraction Modifications - Valuation Limitation)

IT 90-284 10/31/90 Since a capital loss is allowed as a deduction in determining federal fiduciary taxable income and since there is no Illinois modification requiring its addback, the capital loss will be allowed for Illinois purposes.

COMBINED UNITARY RETURN
(Also See Unitary)

IT 90-292 11/13/90 The IITA requires that both new and used property must be "acquired by purchase" as defined in IRC 179(d). If the taxpayers in question were members of a unitary business group filing a combined return, it appears a favorable ruling would be permitted.

IT 90-312 12/17/90 If taxpayers originally filed separate returns, thereafter if they are found to be unitary they must file separate unitary returns and the election to file a combined return is not available.

COMPENSATION

IT 90-262 10/18/90 Discusses the Illinois income taxation of deferred compensation paid to a former Illinois resident.

COMPOSITE RETURNS

IT 90-286 11/02/90 Non-resident partners in a partnership have the right to elect to join in a single composite Illinois tax return under Illinois Income Tax Act Sec. 502(f).

CONFIDENTIALITY

IT 90-239 10/02/90 Illinois Revised Statutes, ch. 120, par. 9-917(a) prevents the Department from forwarding specified information absent an order of court.

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IT 90-252 10/15/90 Section 917(a) of the IITA prohibits the Department from furnishing the requested information unless served with a court order.

CREDITS - ENTERPRISE ZONE INVESTMENT

IT 90-248 10/11/90 Because the property in question was not acquired by "purchase" as defined in IRC §179(d), the taxpayer is not eligible for either the Replacement Tax Investment Credit or the Enterprise Zone Investment Credit.

IT 90-292 11/13/90 The IITA requires that both new and used property must be "acquired by purchase" as defined in IRC 179(d). If the taxpayers in question were members of a unitary business group filing a combined return, it appears a favorable ruling would be permitted.

CREDITS - FOREIGN TAX

IT 90-295 11/19/90 You were advised that only the taxable portion of the gain is considered income subject to Wisconsin's income tax.

CREDITS - REPLACEMENT TAX INVESTMENT

IT 90-248 10/11/90 Because the property in question was not acquired by "purchase" as defined in IRC §179(d), the taxpayer is not eligible for either the Replacement Tax Investment Credit or the Enterprise Zone Investment Credit.

IT 90-292 11/13/90 The IITA requires that both new and used property must be "acquired by purchase" as defined in IRC 179(d). If the taxpayers in question were members of a unitary business group filing a combined return, it appears a favorable ruling would be permitted.

IT 90-315 12/20/90 Discusses whether computer equipment, forklift trucks, a ramp and dockboard, an electronic fence and gate, and a floor scale qualify for the Replacement Tax Investment Tax Credit.

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CREDITS - TRAINING EXPENSE

IT 90-257 10/15/90 Wages of employees who spend time training others in-house may qualify for this credit if prorated based upon the amount of time actually spent conducting training.

CREDITS - OTHER RULINGS (NOT INCLUDED ABOVE)

IT 90-243 10/05/90 Reviewed tables regarding Illinois individual and corporate income tax.

IT 90-293 11/15/90 "Summary of Illinois Income Tax Credits" was revised as of September, 1990.

ESTATES

IT 90-298 11/26/90 The Chicago Office of the Attorney General is responsible for the administration of this Act.

ESTIMATED TAX

IT 90-253 10/15/90 All income of an Illinois resident is currently taxable in Illinois at the rate of three percent (3%). An individual is required to make quarterly estimated tax payments if the amount (s)he reasonably expects to pay as estimated tax for that year will exceed $250.00.

IT 90-309 12/14/90 Discusses whether a sole proprietor engaged in leasing technical expertise and a Real-Time Sector Ultrasound machine for the purpose of checking whether sheep are pregnant is subject to Illinois income tax.

EXEMPT ORGANIZATIONS

IT 90-246 10/09/90 Under §205(a) of the IITA, an organization that is exempt from federal income taxation under §501(a) of the IRC only incurs an Illinois income tax liability if it has unrelated

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business taxable income for the taxable year determined under IRC §512.

IT 90-255 10/15/90 Under §205(a) of the IITA, an organization that is exempt from federal income taxation under §501(a) of the IRC only incurs an Illinois income tax liability if it has unrelated business taxable income for the taxable year determined under IRC §512.

IT 90-256 10/15/90 Under §205(a) of the IITA, an organization that is exempt from federal income taxation under §501(a) of the IRC only incurs an Illinois income tax liability if it has unrelated business taxable income for the taxable year determined under IRC §512.

IT 90-279 10/26/90 An organization that is exempt from federal income taxation under §501(a) of the IRC only incurs an Illinois income tax liability if it has unrelated business taxable income for the taxable year determined under IRC §512.

IT 90-280 10/26/90An organization that is exempt from federal income taxation under §501(a) of the IRC only incurs an Illinois income tax liability if it has unrelated business taxable income for the taxable year determined under IRC §512.

IT 90-282 10/29/90 Under §205(a) of the IITA, an organization that is exempt from federal income taxation under §501(a) of the IRC only incurs an Illinois income tax liability if it has unrelated business taxable income for the taxable year determined under IRC §512.

IT 90-319 12/31/90 Based upon the facts set forth in your letter, taxpayer would not be required to file Form IL-990-T for the tax year ended June 30, 1990.

EXEMPTIONS

IT 90-243 10/05/90 Reviewed tables regarding Illinois individual and corporate income tax.

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IT 90-299 11/28/90 Discusses the exemptions provided at IITA Sec. 204.

FEDERAL RETURNS

IT 90-276 10/22/90 To the extent that the IMEA may exclude income federally under IRC §115, such income will be similarly excluded for IITA purposes. Political subdivisions allowed to exclude income under IRC §115 apparently have no federal income tax return filing requirements. To the extent that IMEA is not required to file a federal return because of its governmental status, likewise, no Illinois income tax return will be required.

IT 90-285 11/01/90 Since the IRC Sec. 164(f) deduction is taken on the Form U.S. 1040 for tax years beginning after 1989 before arriving at federal adjusted gross income, and since there is no Illinois addition modification requiring the addback of the amount on the IL-1040, the deduction will be allowed on the Illinois return.

FORMS

IT 90-314 12/18/90 If a taxpayer agrees to both tax deficiencies and tax overpayments on an IL-870 AD, it is the net deficiency against which the Department may not charge interest after 30 days if a Notice and Demand is not issued.

FRINGE BENEFITS - IRC §125 "CAFETERIA" PLANS

IT 90-273 10/22/90 Questionnaire regarding cafeteria plans.

INFORMATION REPORTS

IT 90-240 10/04/90 Income tax charts reviewed.

IT 90-287 11/02/90 IITA Sec.1405.2 requires informational reporting of payments made under contracts for personal services under certain conditions.

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IT 90-288 11/02/90 IITA Sec.1405.2 requires informational reporting of payments made under contracts for personal services under certain conditions.

IT 90-294 11/19/90 Questionnaire regarding withholding and reporting requirements on employer-sponsored retirement plan payments.

INTEREST ON REFUNDS AND DEFICIENCIES

IT 90-314 12/18/90 If a taxpayer agrees to both tax deficiencies and tax overpayments on an IL-870 AD, it is the net deficiency against which the Department may not charge interest after 30 days if a Notice and Demand is not issued.

IT 90-317 12/24/90 The interest rate on underpayment of taxes for the period January 1, 1991 to June 30, 1991 is 9% per annum.

IRC §338

IT 90-274 10/22/90 The Department has determined that it will follow Treas. Regulation §1.338-IT(h) which provides that additions to tax under Subchapter A of Ch. 68 arising on or before the later of July 15, 1986, or the last day for making the election under IRC §338, by reason of circumstances that would not exist but for an election under §338 will be waived if the taxpayer meets the requirements of Treas. Regulation §1.338-1T(h).

IT 90-297 11/26/90 The Illinois late filing penalty can be abated if t he IRS abated penalties under Treas. Reg. Sec. 1.338-1T(h).

IT 90-313 12/18/90 Discusses the Illinois income tax treatment of a federal IRC §338(h)(10) election.

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MISCELLANEOUS

IT 90-242 10/05/90 Publications on death or inheritance taxes may be obtained from the Attorney General's office.

IT 90-266 10/19/90 The IL-1040 instructions provide a minimum time period for which records should be retained. The IITA does not establish a minimum or a maximum time period for the retention of tax records.

IT 90-271 10/19/90 A designated settlement fund trust under IRC §468B is not subject to Illinois income taxation.

IT 90-275 10/22/90 Summary of Illinois taxes that apply to the mining industry.

IT 90-276 10/22/90 To the extent that the IMEA may exclude income federally under IRC §115, such income will be similarly excluded for IITA purposes. Political subdivisions allowed to exclude income under IRC §115 apparently have no federal income tax return filing requirements. To the extent that IMEA is not required to file a federal return because of its governmental status, likewise, no Illinois income tax return will be required.

IT 90-298 11/26/90 Estate tax returns are filed with the Office of the Attorney General who administers the Illinois Estate and Generation - Skipping Transfer Tax Act. The Chicago Office of the Attorney General is responsible for the administration of this Act.

NET INCOME (LOSS) AND NET LOSS DEDUCTION (IITA §207)
(Also See Base Income, Capital Gains (Losses), Combined Unitary Return, Net Operating Loss and Net Operating Loss Deduction, Unitary)

IT 90-247 10/09/90 Part II of the Illinois Work Sheet for Federal Net Operating Loss (Individuals) embodies the holding of Chicago Title and Trust Company v. Department of Revenue, which allows losses to offset excess addition modifications. However, there is presently no statutory provision that allows individuals to carry their unused Illinois subtraction modifications to another year.

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IT 90-268 10/19/90 1986 and after, Illinois net losses are subject to the limitations of IRC §382.

IT 90-296 11/20/90 Individual shareholders, in the filing of their IL-1040, would have no Illinos net loss which could be carried to another tax year. Any individual net losses which might be reflected in federal AGI would automatically be reflected in Illinos base income without the necessity of any further adjustment.

IT 90-301 12/04/90 The sales factor includes interest on state and local bonds. Prior to the amended regulation, gross receipts from the sale of intangible business capital assets were required to be reflected in the sales factor for apportionment purposes. IIT Reg. §100.9900 applies to tax years ending on or after December 31, 1982. IIT Reg. §100.3050(c), promulgated pursuant to the Caterpillar decision applies to tax years ending prior to December 31, 1982. Authority to exclude itemized deductions from a federal net operating loss for Illinois purposes, in addition to your November 20, 1989 answer to question 20.

IT 90-310 12/17/90 Discusses the Illinois tax consequences of an individual partner and a limited partnership investing in low-income housing. The partnership incurred losses from 1985-1989 and a capital gain in 1990 as a result of the forgiveness of indebtedness and the recapture of depreciation.

NET OPERATING LOSS AND NET OPERATING LOSS DEDUCTION

IT 90-311 12/17/90 A net operating loss incurred by a wholly-owned subsidiary in a year in which a parent and its subsidiary were prohibited from filing unitary because they were conducting business exclusively in Illinois may be carried forward and used on unitary returns filed on or after 12/31/86 to offset income of the parent and second subsidiary.

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NOTICES

IT 90-314 12/18/90 If a taxpayer agrees to both tax deficiencies and tax overpayments on an IL-870 AD, it is the net deficiency against which the Department may not charge interest after 30 days if a Notice and Demand is not issued.

PARTNERSHIPS

IT 90-254 10/15/90 In the case of an individual nonresident partner, guaranteed payments would not be allocated to Illinois. As a result, Illinois would not tax guaranteed payments to your Wisconsin resident partner.

IT 90-278 10/25/90 Questionnaire regarding Illinois tax treatment of partnerships and individual and corporate partners.

IT 90-303 12/06/90 Questionnaire regarding filing requirements for nonresident taxpayers involved in partnerships or S corporations.

PENALTIES - FAILURE TO FILE (IITA §1001)

IT 90-291 11/09/90 The inability of the corporation to retain competent employees to file corporate returns does not constitute reasonable cause for the purpose of abating the Sec. 1001 or Sec. 1005 penalties.

IT 90-297 11/26/90 The Illinois late filing penalty can be abated if the IRS abated penalties under Treas. Reg. Sec. 1.338-1T(h).

PENALTIES - FAILURE TO PAY ESTIMATED TAX (IITA §804)

IT 90-260 10/17/90 As a result of the automatic extension, an IL-1040 filed before October 15 would be treated as a "corrected return" instead of an amended return. Therefore, the tax shown on an IL-1040-X

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filed before October 15 would be used to calculate the §804 penalty.

PENALTIES - REASONABLE CAUSE (IITA §1001)

IT 90-291 11/09/90 The inability of the corporation to retain competent employees to file corporate returns does not constitute reasonable cause for the purpose of abating the Sec. 1001 or Sec. 1005 penalties.

PENALTIES - UNDERPAYMENT OF TAX (IITA §1005)

IT 90-261 10/17/90 Using a calculation different from that of an auditor in reporting throw-back sales does not constitute reasonable cause. If the taxpayer underpays the tax liability derived from an erroneous calculation, imposition of a penalty is correct. Your request for abatement of the §1005 penalty is, therefore, denied.

IT 90-291 11/09/90 The inability of the corporation to retain competent employees to file corporate returns does not constitute reasonable cause for the purpose of abating the Sec. 1001 or Sec. 1005 penalties.

PENSIONS
(Also See Subtraction Modifications)

IT 90-241 10/05/90 Questionnaire concerning private retirement programs.

IT 90-243 10/05/90 Reviewed tables regarding Illinois individual and corporate income tax.

IT 90-290 11/09/90 Questionnaire regarding IRA's and Teachers Retirement.

IT 90-294 11/19/90 Questionnaire regarding withholding and reporting requirements on employer-sponsored retirement plan payments.

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PUBLIC LAW 86-272/NEXUS

IT 90-272 10/19/90 Based upon facts provided, corporation is not subject to Illinois income or replacement tax.

IT 90-308 12/14/90 The use of cars solely for the use of a sales representative in soliciting orders would not by itself create nexus with Illinois. Inventory inspection by a salesperson does create a taxable nexus in Illinois.

IT 90-309 12/14/90 Discusses whether a sole proprietor engaged in leasing technical expertise and a Real-Time Sector Ultrasound machine for the purpose of checking whether sheep are pregnant is subject to Illinois income tax.

IT 90-316 12/24/90 Summary of the activities creating income tax nexus in Illinois.

IT 90-318 12/24/90 The use of cars for the use of a sales representative solely for the purpose of soliciting orders would not by itself create a taxable nexus. Inventory inspection by a salesperson does create a taxable nexus in Illinois.

RETURNS - DUE DATES
(For Combined Unitary Return and Composite Return rulings, see those headings)

IT 90-240 10/04/90 Income tax charts reviewed.

S CORPORATIONS

IT 90-237 10/01/90 Discusses the Illinois income taxation of a Pennsylvania S corporation providing CPA services throughout the U.S., including Illinois.

IT 90-238 10/01/90 Discusses the Illinois income taxation of a Maryland S corporation providing seminars for healthcare professionals in Illinois.

IT 90-303 12/06/90 Questionnaire regarding filing requirements for nonresident taxpayers involved in partnerships or S corporations.

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SUBTRACTION MODIFICATIONS - ENTERPRISE AND FOREIGN TRADE ZONES

IT 90-306 12/11/90 Based upon the facts presented, the dividends paid by the holding company, to its individual shareholders would qualify for the Enterprise Zone dividend subtraction modification.

SUBTRACTION MODIFICATIONS - QUALIFIED PENSION PLANS

IT 90-265 10/19/90 Annuity payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan are deducted from base income on the Illinois return.

SUBTRACTION MODIFICATIONS - OTHER RULINGS (NOT INCLUDED ABOVE)

IT 90-243 10/05/90 Reviewed tables regarding Illinois individual and corporate income tax.

IT 90-249 10/11/90 Discusses a bank holding company taking the enterprise zone subtraction modifications for dividends paid by a corporation which conducts substantially all of its operations in an enterprise zone. [Corrected by Letter Ruling IT90-277 of October 23, 1990.]

IT 90-251 10/12/90 A list of Illinois municipal bonds whose income is exempt from Illinois income taxation.

IT 90-263 10/19/90 Beginning in 1987, all unemployment, including railroad unemployment compensation benefits, is included in federal gross income. Since there is no subtraction modification excluding this type of income for Illinois purposes, it remains taxable in Illinois.

IT 90-269 10/19/90 There is no provision exempting the income from Public Housing Agency bonds backed by H.U.D. payments and sold by the National Capital Housing Authority from state income taxation.

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IT 90-270 10/19/90 Questionnaire concerning salary, deferrals under IRC §401(k), IRC §125 benefits and IRC §219 dependent care assistance.

IT 90-277 10/23/90 [Correction of Letter Ruling IT90-249 of October 11, 1990.] The dividends paid by the holding company to its individual shareholders would qualify for the Enterprise Zone dividend subtraction modification.

UNITARY
(Also See Combined Unitary Return)

IT 90-292 11/13/90 The IITA requires that both new and used property must be "acquired by purchase" as defined in IRC 179(d). If the taxpayers in question were members of a unitary business group filing a combined return, it appears a favorable ruling would be permitted.

IT 90-301 12/04/90 The sales factor includes interest on state and local bonds. Prior to the amended regulation, gross receipts from the sale of intangible business capital assets were required to be reflected in the sales factor for apportionment purposes. IIT Reg. §100.9900 applies to tax years ending on or after December 31, 1982. IIT Reg. §100.3050(c), promulgated pursuant to the Caterpillar decision applies to tax years ending prior to December 31, 1982. Authority to exclude itemized deductions from a federal net operating loss for Illinois purposes, in addition to your November 20, 1989 answer to question 20.

IT 90-312 12/17/90 If taxpayers originally filed separate returns, thereafter if they are found to be unitary they must file separate unitary returns and the election to file a combined return is not available.

WITHHOLDING - EMPLOYEE BENEFITS

IT 90-294 11/19/90 Questionnaire regarding withholding and reporting requirements on employer-sponsored retirement plan payments.

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WITHHOLDING - EXEMPTIONS

IT 90-267 10/19/90 An employee cannot opt out of withholding and claim exemption from withholding on the IL-W-4.

WITHHOLDING - PERSONAL SERVICES CONTRACTS (IITA §1405.2)

IT 90-250 10/11/90 IITA §1405.2 requires informational reporting of payments made under contracts for personal services under certain conditions. Reporting is made on Form IL-1096P.

IT 90-281 10/26/90 IITA §1405.2 requires informational reporting of payments made under contracts for personal services under certain conditions. Reporting is made on Form IL-1096P.

IT 90-287 11/02/90 IITA Sec.1405.2 requires informational reporting of payments made under contracts for personal services under certain conditions.

IT 90-288 11/02/90 IITA Sec.1405.2 requires informational reporting of payments made under contracts for personal services under certain conditions.

WITHHOLDING - RECIPROCAL AGREEMENTS

IT 90-307 12/14/90 Indiana employers are encouraged to withhold Illinos income tax from their employees who are Illinois residents, and furthermore, withholding is mandatory if the Indiana employer is also doing business in Illinois. (The reverse is true with respect to Illinos employers who employ Indiana residents.)

WITHHOLDING - OTHER RULINGS (NOT INCLUDED ABOVE)

IT 90-241 10/05/90 Questionnaire concerning private retirement programs.

IT 90-259 10/16/90 Taxpayer remains liable for unpaid withholding tax, and the receiver would also be liable to the Department as a responsible officer under IITA §1002(d) for the taxes withheld prior to the receiver's appointment if the receiver had assets

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with which to pay the Department but did not do so. The receiver would of course be liable for taxes withheld after the date of appointment.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the week of February 11, 1991 through February 15, 1991, and have been scheduled for review by the Committee at its March, 1991 meeting. Other items not contained in this published list may also be considered by the Joint Committee at its March meeting. Members of the public wishing to express their views with respect to a proposed rule should submit written comments to the Joint Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Room 500, Springfield, IL 62701.

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
3/28/91	Illinois Commerce Commission, Dual Party Relay Service (83 Ill. Adm. Code 756)	11/26/90 14 Ill. Reg. 18675	March, 1991
3/28/91	Department of Rehabilitation Services, Medical, Psychological, and Related Services (89 Ill. Adm. Code 587)	7/20/90 14 Ill. Reg. 11736	March, 1991
4/1/91	Department of Children and Family Services, Financial Responsibility of Parents or Guardians of the Estates of Children (89 Ill. Adm. Code 352)	11/30/90 14 Ill. Reg. 18871	March, 1991
4/1/91	Department of Public Health, Child Health Examination Code (77 Ill. Adm. Code 665)	11/2/90 14 Ill. Reg. 17867	March, 1991
4/1/91	Department of Public Health, Hospital Licensing Requirements (77 Ill. Adm. Code 250)	10/5/90 14 Ill. Reg. 16259	March, 1991
4/1/91	Department of Public Health, School Child Immunization Code (77 Ill. Adm. Code 695)	11/2/90 14 Ill. Reg. 17873	March, 1991
4/1/91	Department of Public Aid, Reimbursement for Nursing Costs for Geriatric Facilities (89 Ill. Adm. Code 147)	12/14/90 14 Ill. Reg. 19653	March, 1991

EXECUTIVE ORDER
91-4
WASTE REDUCTION AND RECYCLED PRODUCT PROCUREMENT

Whereas, the Solid Waste Management Act of 1986 mandated the establishment of a pilot wastepaper recycling program for state office facilities;

Whereas, the state's wastepaper collection efforts, commonly referred to as the I-CYCLE program, have reduced the amount of wastepaper entering Illinois landfills;

Whereas, the Department of Central Management Services, the Department of Energy and Natural Resources and the Office of the Governor designed and implemented two pilot office wastepaper recycling programs in Springfield and Chicago;

Whereas, in 1988 the Solid Waste Management Act, as amended, required the establishment of office wastepaper collection programs in at least 5 state buildings;

Whereas, 70 state facilities or 22,000 state employees are now participating in I-CYCLE since the inception of the pilot program;

Whereas, the state must address the increased generation of recycled material by closing the recycling loop through the procurement of recycled paper;

Whereas, statutory procurement goals require state government to purchase 25% recycled paper and paper products by 1992 and 40% by 1996;

Whereas, state government must focus on reducing the amount of waste generated by each agency in order to meet state waste reduction goals of 25% by 1995 and 50% by 2000;

Whereas, the Recycling Market Development Program conducted by ENR encourages the procurement of recycled products;

Whereas, public and private sector partnerships have been formed in order to increase the procurement of recycled products; and

Whereas, it is important for state agencies to reduce the amount of waste generated and recycle materials to conserve resources and protect our environment;

Now, Therefore, by virture of the authority vested in me as Governor of the State of Illinois, I hereby order as follows:

I. COLLECTION

The Department of Central Management Services, in cooperation with the Department of Energy & Natural Resources, shall expand the collection of wastepaper and other recyclable materials such as aluminum, corrugated containers and newspaper, at state office facilities under the jurisdiction of the Governor, in order to increase the quantity of materials recycled by state government and to diminish reliance on land disposal.

A. The Department of Central Management Services shall incorporate regional state office facilities in the state's

wastepaper collection program.

B. The Department of Central Management Services shall expand wastepaper collection efforts in Chicago which will include approximately 3400 state employees.

II. WASTE REDUCTION

All state agencies under the jurisdiction of the Governor shall pursue waste reduction policies in order to reduce the amount of solid waste generated by the operations of state government. These policies will focus on reducing the amount of waste generated by each agency in order to meet state waste reduction goals of 25% by 1995 and 50% by 2000.

A. Each agency director shall appoint a waste reduction coordinator who will work with agency procurement officials, printing liaisons, and telecommunications coordinators, in implementing the state's waste reduction and recycled product procurement statutory responsibilities.

B. The Department of Energy & Natural Resources, the Department of Central Management Services and the Office of the Governor will continue to educate state agencies by sponsoring workshops and providing information which demonstrates ways to implement waste reduction.

C. Memoranda, letters and reports generated by state agencies shall be copied and printed on both sides of the paper if feasible. All materials printed on recycled paper for the state shall convey the message Printed on Recycled Paper.

III. RECYCLED PRODUCT PROCUREMENT

All state agencies under the jurisdiction of the Governor shall promote the expansion of markets for recycling and the systematic use of recycled products by state government to have state government lead by example.

A. Recycled and recyclable paper shall be specified, ordered and stocked, whenever possible. Recyclable white paper will be used in lieu of colored paper. Colored ink shall be used instead of color stock paper. Soybean ink shall be used in all printing, when practical.

B. Each state agency will continue to seek out and procure remanufactured, refurbished and recycled products meeting state definitions.

C. Each state agency shall report annually to the Department of Central Management Services on the total dollar value and quantity of recycled products purchased, including products

purchased through the Department of Central Management Services and outside vendors.

D. All state product specifications will contain a clause which requests vendors to submit bids listing recycled products. Each agency shall revise their procurement specifications to remove restrictions which prohibit the purchase of products with recycled content.

E. Each agency, in coordination with the Department of Central Management Services' Procurement Services, Printing and Reproduction Services Division and the Department of Energy & Natural Resources, should pursue the procurement of recycled products, remanufactured and durable products, whenever feasible.

F. Re-refined motor oil and remanufactured tires shall be used in all applicable state vehicles, when feasible.

IV. INNOVATIVE RECYCLED PRODUCT DEVELOPMENT AND COLLECTION PROGRAMS

The Department of Energy & Natural Resources shall develop a pilot program, in conjunction with other state agencies, for testing and demonstrating the viability of innovative recycled products, such as rubberized asphalt and building products.

V. EFFECTIVE DATE This order shall take effect immediately.
Issued by the Governor February 15, 1991.
Filed with the Secretary of State February 15, 1991.

PROCLAMATION

91-047
SPECIAL SESSION - PROPERTY TAX EXTENSION LIMITATION ACT

Whereas, skyrocketing property taxes have created a nightmare for the homeowners of Illinois. Since 1984, Illinois property taxes have increased at twice the rate of inflation. The time to put the brakes on skyrocketing property taxes is now. If we fail to take appropriate legislative action immediately, we will see property taxes increase to even more intolerable levels; and

Whereas, beginning with property taxes paid in 1991, legislation should be enacted which limits the increase in property tax extension bills to 5% or the percentage increase in the National Consumer Price Index (CPI), whichever is less; and

Whereas, in order to limit property tax bills paid in the spring of 1991, this proposal must become law by the end of March; and

Whereas, the property tax limit in this legislation should apply to all taxing districts, but may be modified by voter approved local referendum; and

Whereas, debt service on general obligation bonds approved by referendum or issued prior to the effective date of this Act should be excluded from the limitation; and

Whereas, failure to promptly adopt this Act will cause unnecessary delays in this year's property tax bills;

Therefore, I, Jim Edgar, Governor of the State of Illinois, pursuant to Article IV, Section 5B of the Constitution of 1970, hereby convene the General Assembly into special session on February 13, 1991, at 6 p.m. to consider the aforementioned specific points of a Property Tax Extension Limitation Act.

Issued by the Governor February 13, 1991.
Filed with the Secretary of State February 13, 1991.

91-048
COLLINSVILLE OPERATION DESERT STORM DAY

Whereas, more than 2,500 Illinoisans are protecting the right of freedom by serving as military personnel in Operation Desert Storm in the Persian Gulf; and

Whereas, citizens should make a strong effort to show their support for our brave troops; and

Whereas, the people of Collinsville are sponsoring an Operation Desert Storm Support Rally on February 17, 1991, at the VFW grounds in Collinsville; and

Whereas, the rally will show our troops how invaluable they are to us;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 17, 1991, as OPERATION DESERT STORM DAY in Illinois and urge citizens to take part in activities and ceremonies designed to show support and appreciation of our

troops.

Issued by the Governor February 14, 1991.

Filed with the Secretary of State February 19, 1991.

91-049
SCANDINAVIAN WEEK

Whereas, the Scandinavian-American community has proven to be an instrumental contributor to the cultural and educational development of the State of Illinois; and

Whereas, Scandinavian artists continue to receive international acclaim and will be recognized at "The Colorful World of Scandinavian Masters" exhibition at the Swedish-American Museum; and

Whereas, the Scandinavian-American woman will be recognized as the celebrated guest of honor at the first "Great Scandinavian Valentine Ball" to be held at the Hotel Inter-Continental Chicago;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 12-17, 1991, as SCANDINAVIAN WEEK in Illinois in recognition of the Scandinavian community's contributions to the State of Illinois.

Issued by the Governor February 14, 1991.

Filed with the Secretary of State February 19, 1991.

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JCAR - Joint Committee on Administrative Rules

ACTION CODES

A – Adopted Rule	*P – Proposed Rule*
AR – Adopted Repealer	*PF – Prohibited Filing Ordered by JCAR*
C – Notice of Corrections	*PP – Peremptory or Court ordered Rules*
CC – Codification Changes	*PR – Proposed Repealer*
E – Emergency Rule	*R – Refusal to meet JCAR objection*
ER – Emergency Repealer	*RC – Statement of Recommendation*
M – Modification to meet JCAR objections	*S – Suspension ordered by JCAR*
O – JCAR Statement of Objections	*W – Withdrawal to meet JCAR objections*

EXAMPLE:

AGRICULTURE, DEPARTMENT OF
8 Ill. Adm. Code 285 Ill. Grain Insurance Act (P-18048/85; A-6818)

TITLE — PART — ACTION CODE — PAGE NUMBER — PREVIOUS VOLUME — PAGE NUMBER — ACTION CODE

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-9786.

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62 Ill. Adm. Code 2501 Abandoned Mined Lands Reclamation (P-141)

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8 Ill. Adm. Code 270 Ill. State Fair & DuQuoin State Fair, Non-Fair Space Rental & the General Operation of the State Fairgrounds (P-10965/90; A-455)
8 Ill. Adm. Code 125 Meat & Poultry Inspection Act (PP-620; W-1574) (P-1583) (PP-3117)

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38 Ill. Adm. Code 397 Corporate Fiduciary Receivership Account (P-15181/90; A-167)
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14 Ill. Adm. Code 550 Local Tourism & Convention Bureau Program (P-8782/90; A-1798)
47 Ill. Adm. Code 100 Residential Energy Assistance Partnership Program (P-15189/90; O-1575)
56 Ill. Adm. Code 2600 Service Delivery System & State Responsibilities (P-691)
47 Ill. Adm. Codc 110 State Administration of the Federal Community Development Block Grant Program for Small Cities (P-10985/90; 0-19076/90; R-3127)
14 Ill. Adm. Code 540 Technology Commercialization Grant-In-Aid Programs (P-11022/90; A-973)

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17 Ill. Adm. Code 590 Duck, Goose & Coot Hunting (P-17144/90; A-1487)
17 Ill. Adm. Code 1590 Falconry & the Captive Propagation of Raptors (P-16174/90; A-32)
17 Ill. Adm. Code 220 North Point Marina (P-16182/90; A-1495)

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23 Ill. Adm. Code 226 Special Education (P-11068/90; A-40)

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91-025	Lithuanian Independence Day	2895
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91-029	Operation Desert Storm Day	2897
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91-032	Cub Scout Pack 3782 Day	3132
91-033	Licensed Practical Nurse Week	3133
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91-035	Urges Flying the American Flag	3133
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91-042	School Guidance & Counseling Week	3137
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The Sections Affected Index lists, by Title, each Section of a codified Part on which rulemaking activity has occurred in this volume of the Register and is divided into two parts: the first lists the Sections on which rulemaking occurred in the previous issues of this volume year; the second lists the Sections on which rulemaking activity occurred in this issue of the Register. (The headings at the top of each page indicate the two parts: the first part shows the previous issue numbers inclusively and the date of the last published issue; the second lists the current issue number and date.) The columns in both parts indicate the type of rulemaking activity and the action taken along with the page number on which the first page of the notice of rulemaking activity appeared. If a Section on which action is being taken in the current volume (calendar year) of the Register was proposed in a previous volume, the last two digits of the previous volume's year appear immediately after the page number separated by a slash. (e.g. 1 Ill. Adm. Code 100.280 was proposed last year and adopted this year. The action entry reads: (P-8577/89; A-724) The codes for both columns are listed below. For a complete listing of the Titles of the *Illinois Administrative Code*, please refer to 1 Ill. Adm. Code 100.140 or contact the Administrative Code Division.

TYPE OF RULEMAKING

am = amendment to existing Section
cc = codification changes
n = new Section
r = repeal of existing Section
rc = recodified
# = renumbered

ACTION CODES

A = Adopted rule
C = Correction
CC = Codification Changes
E = Emergency rule
F = Failure to Remedy Objections
M = Modification
O = JCAR Objection
P = Proposed rule
PF = Prohibited Filing
PP = Peremptory rule
R = Refusal to Modify or Withdraw
RC = JCAR Recommendation
S = Suspended rule
W = Withdrawal of Proposed rule

TITLE 2

2375.110	am	(A-1571)
2650.10	n	(A-2660)
2650.20	n	(A-2660)
2650.30	n	(A-2660)
2650.40	n	(A-2660)
2650.50	n	(A-2660)
2650.60	n	(A-2660)
2650.100	n	(A-2660)
2650.200	n	(A-2660)
2650.205	n	(A-2660)
2650.210	n	(A-2660)
2650.220	n	(A-2660)
2650.300	n	(A-2660)
2650.310	n	(A-2660)
2650.311	n	(A-2660)
2650.312	n	(A-2660)
2650.313	n	(A-2660)
2650.314	n	(A-2660)
2650.320	n	(A-2660)
2650.330	n	(A-2660)
2650.340	n	(A-2660)
2650.400	n	(A-2660)
2650.410	n	(A-2660)
2650.11.A	n	(A-2660)
2650.11.B	n	(A-2660)

TITLE 8

125.10	am	(PP-620; W-1574) (P-1583)
125.30	am	(PP-620; W-1574) (P-1583)
125.40	am	(PP-620; W-1574) (P-1583)
125.50	am	(PP-620; W-1574) (P-1583)
125.60	am	(PP-620; W-1574) (P-1583)
125.80	am	(PP-620; W-1574) (P-1583)
125.90	am	(PP-620; W-1574) (P-1583)
125.100	am	(PP-620; W-1574) (P-1583)
125.110	am	(PP-620; W-1574) (P-1583)
125.120	am	(PP-620; W-1574) (P-1583)
125.130	am	(PP-620; W-1574) (P-1583)
125.140	am	(PP-620; W-1574) (P-1583)
125.150	am	(PP-620; W-1574) (P-1583)
125.160	am	(PP-620; W-1574) (P-1583)
125.170	am	(PP-620; W-1574) (P-1583)
125.180	am	(PP-620; W-1574) (P-1583)
125.190	am	(PP-620; W-1574) (P-1583)
125.200	am	(PP-620; W-1574) (P-1583)
125.210	am	(PP-620; W-1574) (P-1583)
125.220	am	(PP-620; W-1574) (P-1583)
125.230	am	(PP-620; W-1574) (P-1583)
125.240	am	(PP-620; W-1574) (P-1583)
125.250	am	(PP-620; W-1574) (P-1583)
125.260	am	(PP-620; W-1574) (P-1583) (PP-3117)
125.270	am	(PP-620; W-1574) (P-1583)
125.280	am	(PP-620; W-1574) (P-1583)
125.290	am	(PP-620; W-1574) (P-1583)
125.300	am	(PP-620; W-1574) (P-1583)
125.305	am	(PP-620; W-1574) (P-1583)
125.310	am	(PP-620; W-1574) (P-1583)
125.320	am	(PP-620; W-1574) (P-1583)
125.330	am	(PP-620; W-1574) (P-1583)
125.340	am	(PP-620; W-1574) (P-1583)
125.350	am	(PP-620; W-1574) (P-1583)
125.360	am	(PP-620; W-1574) (P-1583)
125.370	am	(PP-620; W-1574) (P-1583)
125.380	am	(PP-620; W-1574) (P-1583) (PP-3117)
125.400	am	(PP-620; W-1574) (P-1583)
125.410	am	(PP-620; W-1574) (P-1583)
255.50	am	(E-128)
270.261	am	(P-10965/90; A-455)

TITLE 11

405.170	r	(P-8957/90; A-591)
405.250	n	(P-12389/90; A-2733)
433.35	am	(P-12393/90; A-2736)
1312.265	am	(P-14750/90; A-2727)
1413.48	am	(P-12385/90; A-2730)
1424.140	n	(P-10691/90; A-20545/90; C-2044)
1424.355	am	(P-19690/90; W-1173)

TITLE 14

510.10	am	(P-677)
510.20	am	(P-677)
510.40	am	(P-677)
510.50	am	(P-677)
510.60	am	(P-677)
510.70	am	(P-677)
510.80	am	(P-677)
510.110	n	(P-13072/90; A-2673)
510.120	n	(P-13072/90; A-2673)
510.130	n	(P-13072/90; A-2673)
510.140	n	(P-13072/90; A-2673)
510.150	n	(P-13072/90; A-2673)
510.160	n	(P-13072/90; A-2673)
510.170	n	(P-13072/90; A-2673)
510.175	n	(P-13072/90; A-2673)
510.180	n	(P-13072/90; A-2673)
510.185	n	(P-13072/90; A-2673)
510.190	n	(P-13072/90; A-2673)
510.195	n	(P-13072/90; A-2673)
510.200	n	(P-13072/90; A-2673)
510.205	n	(P-13072/90; A-2673)
540.110	n	(P-11022/90; A-973)
540.120	n	(P-11022/90; A-973)
540.130	n	(P-11022/90; A-973)
540.140	n	(P-11022/90; A-973)
540.150	n	(P-11022/90; A-973)
540.160	n	(P-11022/90; A-973)
540.170	n	(P-11022/90; A-973)
540.180	n	(P-11022/90; A-973)
540.190	n	(P-11022/90; A-973)
550.20	am	(P-8782/90; A-1798)
550.30	am	(P-8782/90; A-1798)
550.35	am	(P-8782/90; A-1798)
550.40	am	(P-8782/90; A-1798)
550.50	am	(P-8782/90; A-1798)

TITLE 17

220.20	am	(P-16182/90; A-1495)
220.30	am	(P-16182/90; A-1495)
220.40	am	(P-16182/90; A-1495)
220.50	am	(P-16182/90; A-1495)
220.60	am	(P-16182/90; A-1495)
220.70	am	(P-16182/90; A-1495)
590.10	am	(P-17144/90; A-1487)
830.05	n	(P-2057)

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830.20	am	(P-2057)
830.60	am	(P-2057)
830.70	am	(P-2057)
830.80	am	(P-2057)
830.90	am	(P-2057)
1590.50	am	(P-16174/90; A-32)
1590.80	am	(P-16174/90; A-32)
1590.90	am	(P-16174/90; A-32)
2520.50	am	(P-725)
4160.10	n	(P-1680)
4160.20	n	(P-1680)
4160.30	n	(P-1680)
4160.40	n	(P-1680)
4160.50	n	(P-1680)
4160.60	n	(P-1680)
4160.70	n	(P-1680)
4160.80	n	(P-1680)
4160.90	n	(P-1680)
4160.100	n	(P-1680)
4160.110	n	(P-1680)
4160.120	n	(P-1680)
4160.130	n	(P-1680)
4160.140	n	(P-1680)
4160.160	n	(P-1680)
4160.170	n	(P-1680)
4160.180	n	(P-1680)

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405.15	am	(P-1)
405.17	am	(P-1)
405.20	am	(P-1)
405.30	am	(P-1)
405.40	r	(P-1)
405.50	am	(P-1)
405.55	n	(P-1)
405.60	am	(P-1)
405.70	am	(P-1)
415.15	am	(P-15228/90; A-988)
415.20	am	(P-15228/90; A-988)
415.30	am	(P-15228/90; A-988)
415.70	n	(P-15228/90; O-21107/90; R-1168; A-988)
1215.10	n	(P-12398/90; A-1107)
1215.20	n	(P-12398/90; A-1107)
1215.30	n	(P-12398/90; A-1107)
1215.40	n	(P-12398/90; A-1107)
1215.50	n	(P-12398/90; A-1107)
1720.30	am	(P-16198/90; A-999)
1720.Ap.A	am	(P-16198/90; A-999)

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1.245	n	(P-6931/90; O-21110/90; M-2877; A-2692)
226.40	am	(P-11068/90; A-40)
226.520	am	(P-11068/90; A-40)
226.525	am	(P-11068/90; A-40)
226.552	am	(P-11068/90; A-40)
226.555	am	(P-11068/90; A-40)
226.560	am	(P-11068/90; A-40)
226.605	am	(P-11068/90; A-40)
226.612	r	(P-11068/90; A-40)
226.615	am	(P-11068/90; A-40)
226.620	r	(P-11068/90; A-40)
226.680	am	(P-11068/90; A-40)
226.684	am	(P-11068/90; A-40)
226.720	am	(P-11068/90; A-40)
226.730	am	(P-11068/90; A-40)
250.70	am	(P-11447/90; A-463)

TITLE 32

331.10	am	(P-15672/90; A-90)
331.20	am	(P-15672/90; A-90)
331.30	am	(P-15672/90; A-90)
331.110	am	(P-15672/90; A-90)
331.120	am	(P-15672/90; A-90)
331.130	n	(P-15672/90; A-90)
331.200	am	(P-15672/90; A-90)
331.210	r	(P-15672/90; A-90)
331.310	am	(P-15672/90; A-90)
331.Ap.B	n	(P-15672/90; A-90)
331.Ap.C	n	(P-15672/90; A-90)
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401.40	am	(P-1390)
401.50	am	(P-1390)
401.60	am	(P-1390)
401.70	am	(P-1390)
401.80	am	(P-1390)
401.100	am	(P-1390)
401.110	am	(P-1390)
401.130	am	(P-1390)
401.140	am	(P-1390)
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401.Ap.B	n	(P-1390)

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212.443	am	(P-791)
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214.104	am	(P-11098/90; A-1017)
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215.585	am	(P-12701/90; A-3309)
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230.140	r	(P-741)
230.141	r	(P-741)
230.142	r	(P-741)
230.150	r	(P-741)
230.160	r	(P-741)
230.170	r	(P-741)
230.180	r	(P-741)
230.190	r	(P-741)
230.200	r	(P-741)
230.210	r	(P-741)
230.211	r	(P-741)
230.212	r	(P-741)
230.220	r	(P-741)
230.230	r	(P-741)
230.240	r	(P-741)
230.241	r	(P-741)
230.250	r	(P-741)
230.260	r	(P-741)
230.270	r	(P-741)
230.280	r	(P-741)
230.290	r	(P-741)

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230.330	r	(P-741)
230.340	r	(P-741)
230.350	r	(P-741)
230.360	r	(P-741)
230.370	r	(P-741)
230.371	r	(P-741)
230.380	r	(P-741)
230.390	r	(P-741)
230.400	r	(P-741)
230.410	r	(P-741)
230.430	r	(P-741)
230.440	r	(P-741)
230.470	r	(P-741)
230.480	r	(P-741)
230.490	r	(P-741)
230.500	r	(P-741)
230.520	r	(P-741)
230.530	r	(P-741)
230.540	r	(P-741)
230.550	r	(P-741)
230.560	r	(P-741)
230.570	r	(P-741)
230.580	r	(P-741)
230.590	r	(P-741)
230.600	r	(P-741)
230.680	r	(P-741)
230.690	r	(P-741)
230.700	r	(P-741)
230.720	r	(P-741)
230.730	r	(P-741)
230.740	r	(P-741)
230.780	r	(P-741)
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230.Tb.B	r	(P-741)
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230.Ap.B	r	(P-741)
230.Ap.C	r	(P-741)
230.Ap.F	r	(P-741)
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231.120	r	(P-730)
231.122	r	(P-730)
231.130	r	(P-730)
231.140	r	(P-730)
231.150	r	(P-730)
231.160	r	(P-730)
231.180	r	(P-730)
231.190	r	(P-730)
231.200	r	(P-730)
231.210	r	(P-730)
231.230	r	(P-730)
231.240	r	(P-730)
231.250	r	(P-730)
231.260	r	(P-730)
231.320	r	(P-730)
231.330	r	(P-730)
231.Tb.A	r	(P-730)
231.Ap.A	r	(P-730)
231.Ap.B	r	(P-730)
231.Ap.C	r	(P-730)
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501.102	am	(P-3141)
501.200	n	(P-3141)
501.246	n	(P-3141)
501.248	n	(P-3141)
501.274	n	(P-3141)
501.317	n	(P-3141)
501.330	am	(P-3141)
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501.356	n	(P-3141)
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724.115	am	(P-2414)
724.173	am	(P-2414)
724.177	am	(P-2414)
724.321	am	(P-2414)
724.329	am	(P-2414)
724.356	am	(P-2414)
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724.932	n	(P-2414)
724.933	n	(P-2414)
724.934	n	(P-2414)
724.935	n	(P-2414)
724.936	n	(P-2414)
724.950	n	(P-2414)
724.951	n	(P-2414)
724.952	n	(P-2414)
724.953	n	(P-2414)
724.954	n	(P-2414)
724.955	n	(P-2414)
724.956	n	(P-2414)
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725.113	am	(P-2145)
725.115	am	(P-2145)
725.173	am	(P-2145)
725.177	am	(P-2145)
725.329	am	(P-2145)
725.356	am	(P-2145)
725.381	am	(P-2145)
725.412	am	(P-2145)
725.416	am	(P-2145)
725.930	n	(P-2145)
725.931	n	(P-2145)
725.932	n	(P-2145)
725.933	n	(P-2145)
725.934	n	(P-2145)
725.935	n	(P-2145)
725.950	n	(P-2145)
725.951	n	(P-2145)
725.952	n	(P-2145)
725.953	n	(P-2145)
725.954	n	(P-2145)
725.955	n	(P-2145)
725.956	n	(P-2145)
725.957	n	(P-2145)
725.958	n	(P-2145)
725.959	n	(P-2145)
725.960	n	(P-2145)
725.961	n	(P-2145)
725.962	n	(P-2145)
725.963	n	(P-2145)
725.964	n	(P-2145)
726.132	r	(P-24870
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728.102	am	(P-2209)
728.103	am	(P-2209)
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817.102	n	(P-3173)
817.103	n	(P-3173)
817.104	n	(P-3173)
817.105	n	(P-3173)
817.201	n	(P-3173)
817.202	n	(P-3173)
817.203	n	(P-3173)
817.204	n	(P-3173)
817.301	n	(P-3173)
817.302	n	(P-3173)
817.303	n	(P-3173)
817.304	n	(P-3173)
817.305	n	(P-3173)
817.306	n	(P-3173)
817.401	n	(P-3173)
817.402	n	(P-3173)
817.403	n	(P-3173)
817.404	n	(P-3173)
817.405	n	(P-3173)
817.406	n	(P-3173)
817.407	n	(P-3173)
817.408	n	(P-3173)
817.409	n	(P-3173)
817.410	n	(P-3173)
817.411	n	(P-3173)
817.412	n	(P-3173)
817.413	n	(P-3173)
817.414	n	(P-3173)
817.415	n	(P-3173)
817.416	n	(P-3173)

TITLE 38

180.90	am	(P-1207)
350.01	n	(P-2053)
397.10	n	(P-15181/90; A-167)
397.20	n	(P-15181/90; A-167)
397.30	n	(P-15181/90; A-167)
397.40	n	(P-15181/90; A-167)
397.50	n	(P-15181/90; A-167)
450.210	am	(P-2573)
450.220	am	(P-2573)
450.250	am	(P-2573)
450.260	am	(P-2573)
450.280	r	(P-2573)
450.340	am	(P-2573)
450.350	am	(P-2573)
450.410	am	(P-2573)
450.430	am	(P-2573)
450.440	am	(P-2573)
450.720	am	(P-2573)
450.740	am	(P-2573)
450.820	am	(P-2573)
450.860	am	(P-2573)
450.910	am	(P-2573)
450.1010	am	(P-2573)
450.1110	am	(P-2573)
450.1130	r	(P-2573)
450.1175	n	(P-2573)
450.1230	am	(P-2573)
450.1550	am	(P-2573)

TITLE 38 (CONT'D)

1075.100	n	(P-14758/90; A-1916)
1075.110	n	(P-14758/90; A-1916)
1075.120	n	(P-14758/90; A-1916)
1075.130	n	(P-14758/90; A-1916)
1075.140	n	(P-14758/90; A-1916)
1075.200	n	(P-14758/90; A-1916)
1075.300	n	(P-14758/90; A-1916)
1075.310	n	(P-14758/90; A-1916)
1075.400	n	(P-14758/90; A-1916)
1075.410	n	(P-14758/90; A-1916)
1075.415	n	(P-14758/90; A-1916)
1075.420	n	(P-14758/90; A-1916)
1075.430	n	(P-14758/90; A-1916)
1075.440	n	(P-14758/90; A-1916)
1075.450	n	(P-14758/90; A-1916)
1075.455	n	(P-14758/90; A-1916)
1075.460	n	(P-14758/90; A-1916)
1075.465	n	(P-14758/90; A-1916)
1075.470	n	(P-14758/90; A-1916)
1075.480	n	(P-14758/90; A-1916)
1075.490	n	(P-14758/90; A-1916)
1075.500	n	(P-14758/90; A-1916)
1075.505	n	(P-14758/90; A-1916)
1075.510	n	(P-14758/90; A-1916)
1075.515	n	(P-14758/90; A-1916)
1075.520	n	(P-14758/90; A-1916)
1075.525	n	(P-14758/90; A-1916)
1075.530	n	(P-14758/90; A-1916)
1075.535	n	(P-14758/90; A-1916)
1075.540	n	(P-14758/90; A-1916)
1075.545	n	(P-14758/90; A-1916)
1075.550	n	(P-14758/90; A-1916)
1075.555	n	(P-14758/90; A-1916)
1075.560	n	(P-14758/90; A-1916)
1075.565	n	(P-14758/90; A-1916)
1075.570	n	(P-14758/90; A-1916)
1075.575	n	(P-14758/90; A-1916)
1075.580	n	(P-14758/90; A-1916)
1075.585	n	(P-14758/90; A-1916)
1075.600	n	(P-14758/90; A-1916)
1075.610	n	(P-14758/90; A-1916)
1075.620	n	(P-14758/90; A-1916)
1075.630	n	(P-14758/90; A-1916)
1075.640	n	(P-14758/90; A-1916)
1075.650	n	(P-14758/90; A-1916)
1075.660	n	(P-14758/90; A-1916)
1075.670	n	(P-14758/90; A-1916)
1075.680	n	(P-14758/90; A-1916)
1075.700	n	(P-14758/90; A-1916)
1075.705	n	(P-14758/90; A-1916)
1075.710	n	(P-14758/90; A-1916)
1075.715	n	(P-14758/90; A-1916)
1075.720	n	(P-14758/90; A-1916)
1075.725	n	(P-14758/90; A-1916)
1075.730	n	(P-14758/90; A-1916)
1075.735	n	(P-14758/90; A-1916)
1075.740	n	(P-14758/90; A-1916)
1075.745	n	(P-14758/90; A-1916)
1075.750	n	(P-14758/90; A-1916)
1075.800	n	(P-14758/90; A-1916)
1075.810	n	(P-14758/90; A-1916)
1075.820	n	(P-14758/90; A-1916)
1075.900	n	(P-14758/90; A-1916)
1075.905	n	(P-14758/90; A-1916)
1075.910	n	(P-14758/90; A-1916)
1075.915	n	(P-14758/90; A-1916)
1075.920	n	(P-14758/90; A-1916)
1075.925	n	(P-14758/90; A-1916)
1075.930	n	(P-14758/90; A-1916)
1075.935	n	(P-14758/90 A-1916)
1075.945	n	(P-14758/90; A-1916)
1075.950	n	(P-14758/90; A-1916)
1075.955	n	(P-14758/90; A-1916)
1075.960	n	(P-14758/90; A-1916)
1075.965	n	(P-14758/90 A-1916)
1075.970	n	(P-14758/90; A-1916)
1075.975	n	(P-14758/90; A-1916)
1075.980	n	(P-14758/90; A-1916)
1075.985	n	(P-14758/90; A-1916)
1075.990	n	(P-14758/90; A-1916)
1075.995	n	(P-14758/90; A-1916)
1075.1000	n	(P-14758/90; A-1916)
1075.1005	n	(P-14758/90; A-1916)
1075.1010	n	(P-14758/90; A-1916)
1075.1015	n	(P-14758/90; A-1916)
1075.1020	n	(P-14758/90; A-1916)
1075.1025	n	(P-14758/90; A-1916)
1075.1030	n	(P-14758/90; A-1916)
1075.1035	n	(P-14758/90; A-1916)
1075.1040	n	(P-14758/90; A-1916)
1075.1045	n	(P-14758/90; A-1916)
1075.1050	n	(P-14758/90; A-1916)
1075.1055	n	(P-14758/90; A-1916)
1075.1100	n	(P-14758/90; A-1916)
1075.1105	n	(P-14758/90; A-1916)
1075.1110	n	(P-14758/90; A-1916)
1075.1115	n	(P-14758/90; A-1916)
1075.1120	n	(P-14758/90; A-1916)
1075.1125	n	(P-14758/90; A-1916)
1075.1130	n	(P-14758/90; A-1916)
1075.1135	n	(P-14758/90; A-1916)
1075.1140	n	(P-14758/90; A-1916)
1075.1145	n	(P-14758/90; A-1916)
1075.1150	n	(P-14758/90; A-1916)
1075.1155	n	(P-14758/90; A-1916)
1075.1160	n	(P-14758/90; A-1916)
1075.1165	n	(P-14758/90; A-1916)
1075.1170	n	(P-14758/90; A-1916)
1075.1175	n	(P-14758/90; A-1916)
1075.1180	n	(P-14758/90; A-1916)
1075.1185	n	(P-14758/90; A-1916)
1075.1190	n	(P-14758/90; A-1916)
1075.1195	n	(P-14758/90; A-1916)
1075.1200	n	(P-14758/90 A-1916)
1075.1205	n	(P-14758/90; A-1916)
1075.1210	n	(P-14758/90; A-1916)
1075.1215	n	(P-14758/90; A-1916)
1075.1220	n	(P-14758/90; A-1916)
1075.1225	n	(P-14758/90; A-1916)
1075.1230	n	(P-14758/90; A-1916)
1075.1235	n	(P-14758/90; A-1916)
1075.1240	n	(P-14758/90 A-1916)
1075.1245	n	(P-14758/90; A-1916)
1075.1250	n	(P-14758/90; A-1916)
1075.1255	n	(P-14758/90; A-1916)
1075.1260	n	(P-14758/90; A-1916)
1075.1265	n	(P-14758/90; A-1916)

TITLE 38 (CONT'D)

1075.1270	n	(P-14758/90; A-1916)
1075.1275	n	(P-14758/90; A-1916)
1075.1280	n	(P-14758/90; A-1916)
1075.1285	n	(P-14758/90; A-1916)
1075.1290	n	(P-14758/90; A-1916)
1075.1295	n	(P-14758/90; A-1916)
1075.1300	n	(P-14758/90; A-1916)
1075.1305	n	(P-14758/90; A-1916)
1075.1310	n	(P-14758/90; A-1916)
1075.1315	n	(P-14758/90; A-1916)
1075.1320	n	(P-14758/90; A-1916)
1075.1325	n	(P-14758/90; A-1916)
1075.1400	n	(P-14758/90; A-1916)
1075.1405	n	(P-14758/90; A-1916)
1075.1410	n	(P-14758/90; A-1916)
1075.1415	n	(P-14758/90; A-1916)
1075.1420	n	(P-14758/90; A-1916)
1075.1425	n	(P-14758/90; A-1916)
1075.1430	n	(P-14758/90; A-1916)
1075.1435	n	(P-14758/90; A-1916)
1075.1440	n	(P-14758/90; A-1916)
1075.1445	n	(P-14758/90; A-1916)
1075.1450	n	(P-14758/90; A-1916)
1075.1500	n	(P-14758/90; A-1916)
1075.1510	n	(P-14758/90; A-1916)
1075.1520	n	(P-14758/90; A-1916)
1075.1530	n	(P-14758/90; A-1916)
1075.1540	n	(P-14758/90; A-1916)
1075.1550	n	(P-14758/90; A-1916)
1075.1600	n	(P-14758/90; A-1916)
1075.1610	n	(P-14758/90; A-1916)
1075.1620	n	(P-14758/90; A-1916)
1075.1630	n	(P-14758/90; A-1916)
1075.1640	n	(P-14758/90; A-1916)
1075.1650	n	(P-14758/90; A-1916)

TITLE 44

5030.130	am	(P-1203)

TITLE 47

100.111	am	(P-15189/90; O-1575)
100.113	am	(P-15189/90; O-1575)
110.10	am	(P-10985/90; O-19076/90; R-3127)
110.30	am	(P-10985/90; O-19076/90; R-3127)
110.40	am	(P-10985/90; O-19076/90; R-3127)
110.50	am	(P-10985/90; O-19076/90; R-3127)
110.60	am	(P-10985/90; O-19076/90; R-3127)
110.70	am	(P-10985/90; O-19076/90; R-3127)
110.80	am	(P-10985/90; O-19076/90; R-3127)
110.90	am	(P-10985/90; O-19076/90; R-3127)
110.91	n	(P-10985/90; O-19076/90; R-3127)
110.92	n	(P-10985/90; O-19076/90; R-3127)
110.93	n	(P-10985/90; O-19076/90; R-3127)
110.100	am	(P-10985/90; O-19076/90; R-3127)
110.105	n	(P-10985/90; O-19076/90; R-3127)
110.130	am	(P-10985/90; O-19076/90; R-3127)

TITLE 50

918.10	r	(P-2899)
918.20	r	(P-2899)
918.30	r	(P-2899)
918.40	r	(P-2899)
918.50	r	(P-2899)
918.60	r	(P-2899)
Il. I	r	(P-2899)
Il. II	r	(P-2899)
Il. III	r	(P-2899)
Il. IV	r	(P-2899)
3119.20	am	(P-12127/90; A-69)
3119.30	am	(P-12127/90; A-69)
3119.40	am	(P-12127/90; A-69)
3119.50	am	(P-12127/90; A-69)
3119.60	am	(P-12127/90; A-69)
3119.70	am	(P-12127/90; A-69)
3119.Ex.A	am	(P-12127/90; A-69)
3119.Ex.B	am	(P-12127/90; A-69)
3119.Ex.C	am	(P-12127/90; A-69)
3119.Ex.D	am	(P-12127/90; A-69)
6101.10	am	(P-20205/89; A-199)
6101.20	am	(P-20205/89; A-199)
6101.40	am	(P-20205/89; A-199)
6101.50	am	(P-20205/89; A-199)
6101.100	am	(P-20205/89; A-199)
6101.110	am	(P-20205/89; O-2117/90; M-365; A-199)
6101.111	n	(P-20205/89; A-199)
6101.112	n	(P-20205/89; A-199)
6101.130	am	(P-20205/89; A-199)
6101.140	am	(P-20205/89; A-199)
6101.141	n	(P-20205/89; A-199)
6101.142	n	(P-20205/89; A-199)
6101.160	r	(P-20205/89; A-199)
6101.20	am	(P-20205/89; A-199)
6101.20	am	(P-20205/89; A-199)
6101.20	am	(P-20205/89; A-199)

TITLE 56

2600.20	am	(P-691)
2765.325	am	(P-13910/90; A-185)
2770.110	am	(P-15659/90; A-172)
2815.105	am	(P-17152/90; A-1817)
2920.40	am	(P-13905/90; A-180)

TITLE 59

106.25	am	(P-14674/90; A-1555)
106.45	am	(P-14674/90; A-1555)
117.100	n	(P-14671/90; A-1511)
117.110	n	(P-14671/90; A-1511)
117.115	n	(P-14671/90; A-1511)
117.120	n	(P-14671/90; A-1511)
117.125	n	(P-14671/90; A-1511)
117.130	n	(P-14671/90; A-1511)
117.135	n	(P-14671/90; A-1511)

TITLE 59 (CONT'D)

117.140	n	(P-14671/90; A-1511)
117.145	n	(P-14671/90; A-1511)
117.200	n	(P-14671/90; A-1511)
117.205	n	(P-14671/90; A-1511)
117.210	n	(P-14671/90; A-1511)
117.215	n	(P-14671/90; A-1511)
117.220	n	(P-14671/90; A-1511)
117.225	n	(P-14671/90; A-1511)
117.230	n	(P-14671/90; A-1511)
117.235	n	(P-14671/90; A-1511)
117.240	n	(P-14671/90; A-1511)
117.300	n	(P-14671/90; A-1511)
117.305	n	(P-14671/90; A-1511)
117.310	n	(P-14671/90; A-1511)
117.315	n	(P-14671/90; A-1511)
117.320	n	(P-14671/90; A-1511)
117.325	n	(P-14671/90; A-1511)
117.330	n	(P-14671/90; A-1511)
117.335	n	(P-14671/90; A-1511)
117.340	n	(P-14671/90; A-1511)
117.345	n	(P-14671/90; A-1511)
117.350	n	(P-14671/90; A-1511)
117.Ap.A	n	(P-14671/90; A-1511)
117.II.A	n	(P-14671/90; A-1511)
117.II.B	n	(P-14671/90; A-1511)
117.Ap.B	n	(P-14671/90; A-1511)
117.II.A	n	(P-14671/90; A-1511)
117.II.B	n	(P-14671/90; A-1511)
117.II.C	n	(P-14671/90; A-1511)
117.II.D	n	(P-14671/90; A-1511)
117.II.E	n	(P-14671/90; A-1511)
130.11	am	(E-18100/90; O-21140/90; R-1171)
130.20	am	(E-18100/90; O-21140/90; R-1171)
130.30	am	(E-18100/90; O-21140/90; R-1171)
130.40	am	(E-18100/90; O-21140/90; R-1171)
130.60	am	(E-18100/90; O-21140/90; R-1171)
130.70	am	(E-18100/90; O-21140/90; R-1171)
130.80	am	(E-18100/90; O-21140/90; R-1171)
130.90	r	(E-18100/90; O-21140/90; R-1171)
130.100	am	(E-18100/90; O-21140/90; R-1171)
130.110	am	(E-18100/90; O-21140/90; R-1171)
130.120	am	(E-18100/90; O-21140/90; R-1171)
130.130	am	(E-18100/90; O-21140/90; R-1171)
130.140	am	(E-18100/90; O-21140/90; R-1171)
130.150	am	(E-18100/90; O-21140/90; R-1171)
130.160	am	(E-18100/90; O-21140/90; R-1171)
130.170	am	(E-18100/90; O-21140/90; R-1171)
130.180	am	(E-18100/90; O-21140/90; R-1171)
130.190	am	(E-18100/90; O-21140/90; R-1171)
130.200	am	(E-18100/90; O-21140/90; R-1171)
130.210	am	(E-18100/90; O-21140/90; R-1171)
130.220	am	(E-18100/90; O-21140/90; R-1171)
130.230	am	(E-18100/90; O-21140/90; R-1171)
130.240	am	(E-18100/90; O-21140/90; R-1171)
130.250	am	(E-18100/90; O-21140/90; R-1171)
130.Tb.A	am	(E-18100/90; O-21140/90; R-1171)
130.Tb.B	am	(E-18100/90; O-21140/90; R-1171)

TITLE 62

220.160	am	(P-14277/90; A-1006)
240.655	am	(P-16205/90; A-2706)
1700.11	am	(P-1235)
1701.Ap. A	am	(P-1242)
1702.1	n	(P-1221)
1702.5	n	(P-1221)
1702.10	n	(P-1221)
1702.11	n	(P-1221)
1702.12	n	(P-1221)
1702.13	n	(P-1221)
1702.14	n	(P-1221)
1702.15	n	(P-1221)
1702.16	n	(P-1221)
1702.17	n	(P-1221)
1702.18	n	(P-1221)
1761.11	am	(P-1212)
1761.12	am	(P-1212)
1772.11	am	(P-1347)
1772.14	am	(P-1347)
1773.5	am	(P-1352)
1773.11	am	(P-1352)
1773.15	am	(P-1352)
1773.17	am	(P-1352)
1774.13	am	(P-1363)
1778.14	am	(P-1342)
1780.16	am	(P-1374)
1780.37	am	(P-1374)
1780.39	n	(P-1374)
1784.21	am	(P-1382)
1784.24	am	(P-1382)
1784.30	n	(P-1382)
1816.49	am	(P-1266)
1816.68	am	(P-1266)
1816.84	am	(P-1266)
1816.111	am	(P-1266)
1816.116	am	(P-1266)
1816.117	am	(P-1266)
1816.150	am	(P-1266)
1816.151	n	(P-1266)
1816.Ap.A	am	(P-1266)
1817.49	am	(P-1314)
1817.68	am	(P-1314)

TITLE 62 (CONT'D)

1817.84	am	(P-1314)
1817.116	am	(P-1314)
1817.117	am	(P-1314)
1817.150	am	(P-1314)
1817.151	n	(P-1314)
1823.14	am	(P-1368)
1823.15	am	(P-1368)
2501.7	am	(P-141)
2501.10	am	(P-141)
2501.13	am	(P-141)
2501.16	am	(P-141)
2501.19a	m	(P-141)
2501.25	am	(P-141)

TITLE 68

1150.20	am	(P-2492)
1150.30	am	(P-2492)
1150.40	am	(P-2492)
1150.50	am	(P-2492)
1150.60	am	(P-2492)
1150.65	am	(P-2492)
1150.70	am	(P-2492)
1150.80	am	(P-2492)
1150.90	am	(P-2492)
1150.100	am	(P-2492)
1150.110	am	(P-2492)
1150.II.A	am	(P-2492)
1240.16	n	(P-2456/90; A-3051)
1240.40	am	(P-2456/90; A-3051)
1240.50	am	(P-2456/90; A-3051)
1250.110	am	(P-1691)
1250.120	am	(P-1691)
1250.130	am	(P-1691)
1250.135	n	(P-1691)
1250.140	am	(P-1691)
1250.150	am	(P-1691)
1250.155	n	(P-1691)
1250.160	am	(P-1691)
1250.170	am	(P-1691)
1250.190	r	(P-1691)
1250.200	am	(P-1691)
1250.205	am	(P-1691)
1250.210	am	(P-1691)
1250.220	n	(P-1691)
1275.10	n	(P-3218) (E-3324)
1275.20	n	(P-3218) (E-3324)
1275.30	n	(P-3218) (E-3324)
1275.40	n	(P-3218)
1275.50	n	(P-3218)
1275.60	n	(P-3218) (E-3324)
1275.70	n	(P-3218)
1275.90	n	(P-3218)
1300.30	am	(P-2519) (E-2855)
1380.210	am	(P-7346/90; A-247)
1380.220	am	(P-7346/90; A-247)
1380.230	am	(P-7346/90; A-247)
1380.240	am	(P-7346/90; A-247)
1380.250	am	(P-7346/90; A-247)
1380.260	am	(P-7346/90; A-247)
1380.270	am	(P-7346/90; A-247)
1380.280	am	(P-7346/90; A-247)
1380.285	n	(P-7346/90; A-247)
1380.290	am	(P-7346/90; A-247)
1380.300	am	(P-7346/90; A-247)
1380.310	am	(P-7346/90; A-247)
1380.320	am	(P-7346/90; A-247)
1380.Ap.A	am	(P-7346/90; A-247)

TITLE 74

750.10	n	(P-1791)
750.20	n	(P-1791)
750.30	n	(P-1791)
750.40	n	(P-1791)
750.50	n	(P-1791)
750.60	n	(P-1791)
750.70	n	(P-1791)
750.80	n	(P-1791)
750.90	n	(P-1791)
750.100	n	(P-1791)
750.110	n	(P-1791)
750.120	n	(P-1791)

TITLE 77

300.330	am	(P-9957/90; A-554)
300.1010	am	(P-9957/90; A-554)
300.3220	am	(P-9957/90; A-554)
300.3240	am	(P-9957/90; A-554)
300.3260	am	(P-9957/90; A-554)
330.330	am	(P-9920/90; A-516)
330.913	r	(P-9920/90; A-516)
330.1110	am	(P-9920/90; A-516)
330.4220	am	(P-9920/90; A-516)
330.4240	am	(P-9920/90; A-516)
330.4260	am	(P-9920/90; A-516)
350.330	am	(P-9833/90; A-466)
350.680	am	(P-9833/90; A-466)
350.1220	am	(P-9833/90; A-466)
350.3220	am	(P-9833/90; A-466)
350.3240	am	(P-9833/90; A-466)
350.3260	am	(P-9833/90; A-466)
350.3710	am	(P-9833/90; A-466)
350.3720	am	(P-9833/90; A-466)
350.3730	am	(P-9833/90; A-466)
350.3750	am	(P-9833/90; A-466)
350.3770	am	(P-9833/90; A-466)
350.3780	am	(P-9833/90; A-466)
350.3810	am	(P-9833/90; A-466)
350.3880	am	(P-9833/90; A-466)
350.3900	am	(P-9833/90; A-466)
350.3940	am	(P-9833/90; A-466)
350.4010	am	(P-9833/90; A-466)
350.Tb. D	am	(P-9833/90; A-466)
350.Tb. E	am	(P-9833/90; A-466)
390.330	am	(P-9883/90; A-1878)
390.1030	am	(P-9883/90; A-1878)
390.3220	am	(P-9883/90; A-1878)
390.3240	am	(P-9883/90; A-1878)
390.3260	am	(P-9883/90; A-1878)
510.10	am	(P-418)
510.60	am	(P-418)
510.110	am	(P-418) (E-612)
510.120	am	(P-418)
510.130	am	(P-418) (E-612)
540.65	n	(P-10665/90; A-1084)
540.90	am	(P-10665/90; A-1084)
540.100	am	(P-10665/90; A-1084)
540.200	n	(P-10665/90; A-1084)

TITLE 77 (CONTD)

550.100	n	(P-10656/90; A-1068)
550.110	n	(P-10656/90; A-1068)
550.120	n	(P-10656/90; A-1068)
550.130	n	(P-10656/90; A-1068)
590.10	r	(P-8493/90; A-1830)
590.10	n	(P-8503/90; A-1833)
590.20	r	(P-8493/90; A-1830)
590.20	n	(P-8503/90; A-1833)
590.30	r	(P-8493/90; A-1830)
590.30	n	(P-8503/90; A-1833)
590.40	r	(P-8493/90; A-1830)
590.40	n	(P-8503/90; A-1833)
590.50	r	(P-8493/90; A-1830)
590.100	r	(P-8493/90; A-1830)
590.100	n	(P-8503/90; A-1833)
590.110	r	(P-8493/90; A-1830)
590.110	n	(P-8503/90; A-1833)
590.120	r	(P-8493/90; A-1830)
590.120	n	(P-8503/90; A-1833)
590.130	r	(P-8493/90; A-1830)
590.130	n	(P-8503/90; A-1833)
590.140	r	(P-8493/90; A-1830)
590.140	n	(P-8503/90; A-1833)
590.200	n	(P-8503/90; A-1833)
590.210	n	(P-8503/90; A-1833)
590.220	n	(P-8503/90; A-1833)
590.230	n	(P-8503/90; A-1833)
590.240	n	(P-8503/90; A-1833)
590.300	n	(P-8503/90; A-1833)
590.310	n	(P-8503/90; A-1833)
590.320	n	(P-8503/90; A-1833)
590.330	n	(P-8503/90; A-1833)
590.400	n	(P-8503/90; A-1833)
590.410	n	(P-8503/90; A-1833)
590.420	n	(P-8503/90; A-1833)
590.Ap. A	n	(P-8503/90; A-1833)
590.Ap. B	n	(P-8503/90; A-1833)
590.Ap. C	n	(P-8503/90; A-1833)
590.Ap. D	n	(P-8503/90; A-1833)
710.210	w	(P-15246/90; W-675)
1130.Ap. A	n	(P-428)
2058.105	am	(P-6457/90; A-2597)
2058.110	am	(P-6457/90; A-2597)
2058.120	am	(P-6457/90; A-2597)
2058.125	am	(P-6457/90; A-2597)
2058.230	am	(P-6457/90; A-2597)
2058.235	am	(P-6457/90; A-2597)
2058.303	am	(P-6457/90; A-2597)
2058.306	am	(P-6457/90; A-2597)
2058.309	am	(P-6457/90; A-2597)
2058.312	am	(P-6457/90; A-2597)
2058.315	am	(P-6457/90; A-2597)
2058.318	am	(P-6457/90; A-2597)
2058.319	n	(P-6457/90; A-2597)
2058.321	am	(P-6457/90; A-2597)
2058.327	am	(P-6457/90; A-2597)
2058.330	am	(P-6457/90; A-2597)
2058.333	am	(P-6457/90; A-2597)
2058.336	am	(P-6457/90; A-2597)
2058.342	am	(P-6457/90; A-2597)
2058.343	n	(P-6457/90; A-2597)
2058.348	am	(P-6457/90; A-2597)
2058.354	am	(P-6457/90; A-2597)
2058.366	am	(P-6457/90; A-2597)
2058.400	am	(P-6457/90; A-2597)
2058.405	am	(P-6457/90; A-2597)
2058.410	am	(P-6457/90; A-2597)
2058.600	am	(P-6457/90; A-2597)
2058.705	am	(P-6457/90; A-2597)
2058.805	am	(P-6457/90; A-2597)
2058.900	am	(P-6457/90; A-2597)
2058.905	am	(P-6457/90; A-2597)
2530.Ap. B	am	(P-17428/90; A-1821)

TITLE 80

310.230	am	(P-14657/90; A-3296)
310.Ap.A	am	(PP-663) (P-14657/90; A-3296)
Tb. D	am	(P-14657/90; A-3296)
Tb. E	am	(P-14657/90; A-3296)
Tb. F	am	(P-14657/90; A-3296)
310.Tb.P	am	(PP-663)

TITLE 83

730.100	n	(P-1627)
730.101	r	(P-1650)
730.102	r	(P-1650)
730.103	r	(P-1650)
730.105	n	(P-1627)
730.200	n	(P-1627)
730.201	r	(P-1650)
730.202	r	(P-1650)
730.203	r	(P-1650)
730.300	n	(P-1627)
730.305	n	(P-1627)
730.310	n	(P-1627)
730.315	n	(P-1627)
730.320	n	(P-1627)
730.325	n	(P-1627)
730.330	n	(P-1627)
730.335	n	(P-1627)
730 400	n	(P-1627)
730.401	r	(P-1650)
730.402	r	(P-1650)
730.403	r	(P-1650)
730.404	r	(P-1650)
730.405	n	(P-1627)
730.405	r	(P-1650)
730.406	r	(P-1650)
730.407	r	(P-1650)
730.408	r	(P-1650)
730.409	r	(P-1650)
730.410	n	(P-1627)
730.415	n	(P-1627)
730.420	n	(P-1627)
730.425	n	(P-1627)
730.430	n	(P-1627)
730.435	n	(P-1627)
730.440	n	(P-1627)
730.445	n	(P-1627)
730.450	n	(P-1627)
730.500	n	(P-1627)
730.501	r	(P-1650)
730.502	r	(P-1650)
730.503	r	(P-1650)
730.504	r	(P-1650)
730.505	n	(P-1627)
730.505	r	(P-1650)

TITLE 83 (CONTD)

730.506	r	(P-1650)
730.507	r	(P-1650)
730.508	r	(P-1650)
730.509	r	(P-1650)
730.510	n	(P-1627)
730.510	r	(P-1650)
730.511	r	(P-1650)
730.515	n	(P-1627)
730.520	n	(P-1627)
730.525	n	(P-1627)
730.530	n	(P-1627)
730.535	n	(P-1627)
730.540	n	(P-1627)
730.600	n	(P-1627)
730.601	r	(P-1650)
730.602	r	(P-1650)
730.603	r	(P-1650)
730.604	r	(P-1650)
730.605	n	(P-1627)
730.605	r	(P-1650)
730.606	r	(P-1650)
730.607	r	(P-1650)
730.608	r	(P-1650)
730.609	r	(P-1650)
730.610	r	(P-1650)
730.611	r	(P-1650)
730.700	n	(P-1627)
730.701	r	(P-1650)
730.702	r	(P-1650)
730.703	r	(P-1650)
730.705	n	(P-1627)
730.710	n	(P-1627)
730.715	n	(P-1627)
730.720	n	(P-1627)
730.725	n	(P-1627)
730.801	r	(P-1650)
730.802	r	(P-1650)
730.803	r	(P-1650)
730.804	r	(P-1650)
730.805	r	(P-1650)

TITLE 86

430.100	am	(P-1724)
430.110	am	(P-1724)
430.120	am	(P-1724)
430.130	am	(P-1724)
430.160	am	(P-1724)
430.180	am	(P-1724)
430.190	am	(P-1724)
430.200	am	(P-1724)
432.100	am	(P-1777)
432.110	am	(P-1777)
432.120	am	(P-1777)
432.160	am	(P-1777)
435.100	am	(P-1748)
435.110	am	(P-1748)
435.120	am	(P-1748)
435.130	am	(P-1748)
435.140	am	(P-1748)
435.160	am	(P-1748)
435.170	am	(P-1748)
435.180	am	(P-1748)
435.190	am	(P-1748)
435.200	am	(P-1748)
435.210	am	(P-1748)
435.220	am	(P-1748)
440.90	am	(P-13429/90; A-117)
450.10	am	(P-13434/90; A-122)
3000.100	n	(P-433)
3000.110	n	(P-433)
3000.120	n	(P-433)
3000.130	n	(P-433)
3000.140	n	(P-433)
3000.150	n	(P-433)
3000.160	n	(P-433)
3000.170	n	(P-433)
3000.200	n	(P-433)
3000.210	n	(P-433)
3000.220	n	(P-433)
3000.230	n	(P-433)
3000.240	n	(P-433)
3000.250	n	(P-433)
3000.260	n	(P-433)
3000.400	n	(P-433)
3000.410	n	(P-433)
3000.500	n	(P-433)

TITLE 89

102.70	am	(P-409)
102.81	am	(P-409)
104.250	am	(P-15)
104.272	am	(P-15)
104.304	am	(P-15)
104.330	am	(P-15)
111.101	am	(P-17762/90; A-1029)
112.9	am	(P-371)
112.70	am	(P-2521)
112.74	am	(P-2521)
112.78	am	(P-2521)
112.79	am	(P-2521)
112.80	am	(P-2521)
112.82	am	(P-2521) (E-2862)
112.340	n	(P-157) (E-338)
113.9	am	(P-384)
113.155	am	(P-804) (E-1111)
113.251	am	(P-15701/90; A-277)
113.253	am	(P-1715)
113.260	am	(P-1715)
113.303	am	(P-15701/90; A-277)
114.9	am	(P-394)
114.402	am	(P-15712/90; A-288)
120.61	am	(P-159) (E-348)
120.65	n	(P-2908)
120.72	am	(P-159) (E-348)
120.74	am	(P-159) (E-348)
120.319	am	(P-833)
120.320	am	(P-833)
120.321	am	(P-833)
120.322	am	(P-833)
120.323	am	(P-833)
120.386	am	(P-159) (E-348)
140.16	am	(P-847)
140.413	am	(P-406) (E-592)
140.420	am	(P-1414)
140.421	am	(P-1414)
140.475	am	(P-847)

TITLE 89 (CONT'D)

140.485	am	(P-14317/90; O-21120/90; RC-21124/90; RC-21135/90; M-368; A-298)
140.486	r	(P-14317/90; A-298)
140.487	am	(P-14317/90; A-298)
140.488	n	(P-14317/90; A-298)
140.523	am	(P-14681/90; A-1051)
140.562	am	(P-13963/90; O-17718/90; R-366)
140.569	am	(P-7834/90; A-18813/90; C-1174)
140.662	am	(P-14317/90; A-298)
140.Tb.A	r	(P-14317/90; A-298)
140.Tb.D	am	(P-1414)
141.560	am	(P-831) (E-1121)
141.680	am	(P-831) (E-1121)
141.760	am	(P-831) (E-1121)
141.1125	am	(P-831) (E-1121)
141.1200	am	(P-831) (E-1121)
141.1240	am	(P-831) (E-1121)
141.1520	am	(P-831) (E-1121)
141.1840	am	(P-831) (E-1121)
141.1880	am	(P-831) (E-1121)
141.2040	am	(P-831) (E-1121)
141.2400	am	(P-831) (E-1121)
141.2520	am	(P-831) (E-1121)
141.2640	am	(P-831) (E-1121)
141.2920	am	(P-831) (E-1121)
141.3320	am	(P-831) (E-1121)
141.3560	am	(P-831) (E-1121)
141.3600	am	(P-831) (E-1121)
141.3640	am	(P-831) (E-1121)
141.3720	am	(P-831) (E-1121)
141.3800	am	(P-831) (E-1121)
141.4240	am	(P-831) (E-1121)
141.4360	am	(P-831) (E-1121)
141.4520	am	(P-831) (E-1121)
141.4560	am	(P-831) (E-1121)
141.4680	am	(P-831) (E-1121)
144.275	am	(P-816)
147.5	am	(P-870)
147.25	am	(P-870)
147.50	am	(P-870)
147.75	am	(P-870)
147.150	am	(P-13967/90; A-2715)
147.200	am	(P-2919)
147.205	am	(P-13967/90; A-2715)
147.300	n	(P-9355/90; O-13039/90; R-3129; A-3058)
147.305	n	(P-9355/90; O-13039/90; R-3129) (A-3058)
147.310	n	(P-9355/90; O-13039/90; R-3129; A-3058)
147.315	n	(P-9355/90; O-13039/90; R-3129); A-3058)
147.320	n	(P-9355/90; O-13039/90; R-3129; A-3058)
147.325	n	(P-9355/90; O-13039/90; R-3129; A-3058)
147.330	n	(P-9355/90; O-13039/90; R-3129; A-3058)
147.335	n	(P-9355/90; O-13039/90; R-3129; A-3058)
147.340	n	(P-9355/90; O-13039/90: R-3129; A-3058)
147.345	n	(P-9355/90; O-13039/90; R-3129; A-3058)
147.350	n	(P-9355/90; O-13039/90; R-3129; A-3058)
147.Tb.C	n	(P-870)
147.Tb.D	n	(P-870)
147.Tb.E	n	(P-870)
147.Tb.F	n	(P-870)
147.Tb.G	n	(P-870)
147.Tb.H	n	(P-870)
147.Tb.1	n	(P-870)
149.150	am	(P-15722/90; A-1826)
160.5	am	(P-806)
160.10	am	(P-806)
160.20	am	(P-806)
160.70	am	(P-17436/90; A-1034)
240.1665	am	(E-2838)
431.2	am	(P-4303/90; A-24)
431.3	am	(P-4303/90; A-24)
431.5	am	(P-4303/90; A-24)
562.30	am	(P-161)
650.1	r	(P-6725/90; A-2794)
650.10	n	(P-6683/90; A-2740)
650.10	r	(P-6725/90; A-2794)
650.20	n	(P-6683/90; A-2740)
650.20	r	(P-6725/90; A-2794)
650.30	n	(P-6683/90; A-2740)
650.30	r	(P-6725/90; A-2794)
650.40	n	(P-6683/90; A-2740)
650.40	r	(P-6725/90; A-2794)
650.50	n	(P-6683/90; A-2740)
650.50	r	(P-6725/90; A-2794)
650.60	n	(P-6683/90; A-2740)
650.60	r	(P-6725/90; A-2794)
650.70	n	(P-6683/90; A-2740)
650.20	r	(P-6725/90; A-2794)
650.70	n	(P-6683/90; A-2740)
650.90	n	(P-6683/90; A-2740)
650.90	r	(P-6725/90; A-2794)
650.100	n	(P-6683/90; A-2740)
650.100	r	(P-6725/90; A-2794)
650.110	n	(P-6683/90; A-2740)
650.120	n	(P-6683/90; A-2740)
650.130	n	(P-6683/90; A-2740)
650.140	n	(P-6683/90; A-2740)
650.150	n	(P-6683/90; A-2740)
650.160	n	(P-6683/90; A-2740)
650.200	r	(P-6725/90; A-2794)
650.500	r	(P-6725/90; A-2794)
650.600	r	(P-6725/90; A-2794)
650.700	r	(P-6725/90; A-2794)
650.1000	r	(P-6725/90; A-2794)
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18.20	r	(P-3231)
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18.50	n	(P-3252)
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18.60	n	(P-3252)
18.70	r	(P-3231)
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18.80	r	(P-3231)
18.80	n	(P-3252)
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18.90	n	(P-3252)
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18.100	n	(P-3252)
18.110	r	(P-3231)
18.110	n	(P-3252)
18.120	r	(P-3231)
18.120	n	(P-3252)
18.130	r	(P-3231)
18.130	n	(P-3252)
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27.50	n	(P-15262/90; A-2796)
27.60	n	(P-15262/90; A-2796)
27.70	n	(P-15262/90; A-2796)
27.80	n	(P-15262/90; A-2796)
27.90	n	(P-15262/90; A-2796)
27.100	n	(P-15262/90; A-2796)
27.110	n	(P-15262/90; A-2796)
27.120	n	(P-15262/90; A-2796)
27.130	n	(P-15262/90; A-2796)
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37.40	n	(P-3275)
37.50	n	(P-3275)
37.60	n	(P-3275)
37.70	n	(P-3275)
37.80	n	(P-3275)
37.90	n	(P-3275)
37.100	n	(P-3275)
37.110	n	(P-3275)
37.120	n	(P-3275)
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57.40	n	(P-15283/90; A-2817)
57.50	n	(P-15283/90; A-2817)
57.60	n	(P-15283/90; A-2817)
57.70	n	(P-15283/90; A-2817)
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57.90	n	(P-15283/90; A-2817)
57.100	n	(P-15283/90; A-2817)
57.110	n	(P-15283/90; A-2817)
57.120	n	(P-15283/90; A-2817)
57.130	n	(P-15283/90; A-2817)
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